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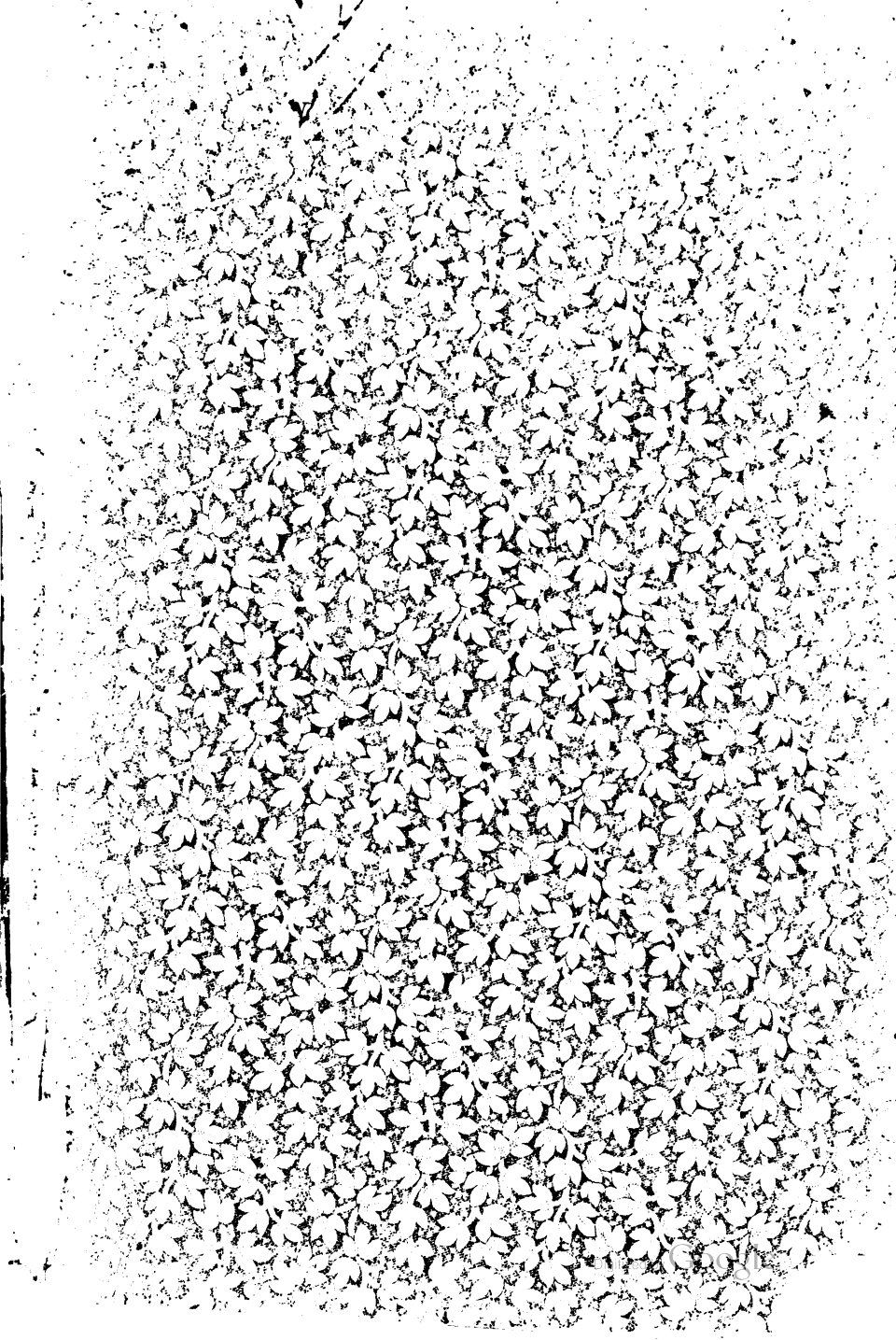
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"Nothing extenuate, nor set down aught in malice!"

THE CLAN-NA-GAEL

AND THE

MURDER OF DR. CRONIN.

Being a Complete and Authentic Narrative of the Rise and Development of the Irish Revolutionary Movement, and an Impartial Account of the Crime in the Carlson Cottage.

From Original Information; from Matter Furnished Privately by Members of the Clan-na-Gael, and from Unpublished Material in the Hands of the Leading Detectives and Attorneys in the Case.

EDITED BY JOHN T. MCENNIS,

Author of "The Story of Labor," "A Panorama of the World," Etc.

G. P. WOODWARD,
Publisher and Manufacturer,
120 Sutter St., San Francisco, Cal.
1889.

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PREFACE.

1889

In presenting a history of the crime of May 4th, last, which startled the civilized world, and which is still the topic upon every tongue, the publishers feel that their work must be prefaced by a word of explanation.

The book has been prepared so that no wrong shall be done the men who are on trial for their lives, and no improper accusation brought against the Irish revolutionary organizations. There is a justice also due the public by honest writers, and it will be found that that too has been fully satisfied in these pages. The truth has been told without fear or favor, and the reader will here have one of the most interesting chapters in Irish secret history, told to its most minute details, and told frankly and impartially.

"Nothing extenuate, nor set down aught in malice," has been made the one touchstone by which every part of this book has been tried. We believe that the public will agree with us that it stands the test.

No man can understand the condition of Irish feeling, or the status of Irish parties, who does not get his finger upon the pulse of the revolutionary movement. For that reason it has been felt that no history of the Cronin case could be complete—could be even intelligible, on account of the charges which have been made—which did not show the origin of Irish bitterness against the English Government, and the birth and growth of the revolt against alien tyranny.

Of making books there is no end. Already there are on the market several different publications, and each eagerly claiming public attention on the ground that it is *the* story of the crime.

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It is not worth while to discuss this matter here, but we believe it is proper for us to say that no history of this romantic case is complete which does not show the reason why the killing of Dr. Cronin has been imputed to the Clan-na-Gael, as well as the fact of the murder itself.

And more than this. It lies within the power of any man to take the Chicago papers, a paste-pot and a pair of shears, and produce the "only and original Cronin case;" but we have believed that the dry details of the court, the stereotyped questions and answers of witness and lawyer, the raw conclusions of an often prejudiced as well as an always hurried reporter, were not what the great body of the people would want—could they get something better.

Not a page of the book that follows has been sent to the printer without thought and care. Do you want to know the truth about the Cronin case? the whole truth? and nothing but the truth?

We believe you will find it here.

THE PUBLISHERS.



TABLE OF CONTENTS.

BOOK I.

THE DYNAMITE WAR.

CHAPTER I.

Celt and Saxon—The irrepressible conflict—The seven hundred years' war—"To Hell or Connaught"—Memories of Cromwell—No Surrender—The Orange faction—Limerick and its sequel—Flight of the wild geese—A legacy of the Stuarts—The penal laws—The Shan Van Vocht—From Wolfe Tone to Robert Emmet—"I thank God I have a country to sell"—O'Connell and emancipation—The great betrayal—Fifty years' evictions—Starving out a whole people—A fight for life—The choice of weapons.....17

CHAPTER II.

The open movement—Home Rule and its leaders—Isaac Butt—Charles Stewart Parnell—Divided England—Davitt's position—Dillon, O'Brien, and the plan of campaign—A hero of the jail—Experiences on the plank bed—How the police treat free men—The "garrison" in extremities—Retribution and the "Removables"—The landlord's last chance—Gladstone and his work—Parnell's prophecy.....30

CHAPTER III.

Revolution under difficulties—Fenianism and the Pope—The crusade against secret societies—Hidden conspiracies in former times—The old man of the mountain—The Assassins or Hasheeshans—Knights Templars and their fate—The Chouan—The Red Internationale—Nihilism, Socialism and Anarchy—Penalties for treason in Ireland and Italy—Curious secret oaths—The Hell-fire Club, and the Monks of the Screw—Blood-curdling rituals.....39

CHAPTER IV.

Secret societies in Ireland—Veiled revolution—The “Croppies’ Holes”—How Fenianism began—McManus’ funeral—A menacing demonstration—Enrolling the soldiers—O’Donovan Rossa and the conspiracy—Sergt. Brett’s death—Allen, Larkin and O’Brien hanged—“God Save Ireland!”—Parnell takes up the work—Le Caron on the Clan-na-Gael—The dynamite war—Twenty-nine prisoners in English jails—Record of the explosions—Mackay Lomasney and his fate—Sketches of the convicts.....45

CHAPTER V.

Scotland Yard and the Clan-na-Gael—A Roland for an Oliver—How detectives detect—Information at market rates—Capturing a police cipher—Rival cryptologists—Bogus outrages—Spies in America—Their probable number and pay—Humbugging an ambassador—Col. Majendie and his men—A visit to the Secret Service—The “Inner Circle” at Scotland Yard—The phantom of dynamite—Trailing a suspect—The jubilee illumination.....66

CHAPTER VI.

How the Clan-na-Gael began—The oath and the ritual—An organization modeled on the Catholic Church—“Who comes here?”—Strength of the order—Its finances—The class of members—Is there an “inner circle”?—The I. R. B. in France—Hunting for the Paris headquarters—The reorganization—The Triangle and the leaders—Work with the diplomatists—“Where England has an enemy we have a friend”—Negotiations with Russia—Help for the Mahdi—“Our allies in South Africa”—Dhuleep Singh and the Indian revolt.....78

CHAPTER VII.

“Parnellism and Crime”—The London *Times*’ attack—Its purpose and its scope—The Irish question in English politics—The forged letters—The charges against Parnell—The Parnell commission—Importance of the result—Egan and the forgeries—Running down the criminal—Priming a bomb—

CONTENTS.

vii

shell—The *Times*' case—Help from the Government—Parnell's "r"—Pigott broken down—His flight and suicide.. 96

CHAPTER VIII.

English detectives in America—Treason in the Fenian ranks—P. W. Dunne and P. J. Meehan condemned to death—The "Lost Documents"—How a torn pair of drawers put life and liberty in danger—Carey and the Invincibles—Tracking a traitor—A revolutionary execution—"Major Le Caron"—Betrayal on a cash basis—Parnellism and crime—Le Caron's futile disclosures—His personality—Alexander Sullivan his sponsor—Le Caron's life in Chicago 104

CHAPTER IX.

American excitement—Charges and counter charges—What Le Caron testified—A futile treason—The Devoy-Egan controversy—Were the names given?—McCahey's appeal to Egan—Cronin and Sullivan—A bitter fight—The Buffalo convention—Reading the report—Exciting scene in Camp 20—Beggs' letters to Spelman—Was there a trial committee?—And was there a trial?—Street gossip and Clan secrets..... 117

BOOK II.

THE BLOW IN THE DARK.

CHAPTER I.

P. H. Cronin in Chicago and St. Louis—His birth and family—Learning to sing—Was he a militiaman?—Two sides to a vexed question—He studies medicine—Personal traits—Cronin and the cat—He joins the Clan-na-Gael—Cronin and the Foresters—His friendship for John Devoy—He attacks the Triangle..... 123

CHAPTER II.

Alexander Sullivan—In Detroit and Chicago—His character and his friends—The Hanford case—His work for Ireland—How Sullivan is regarded in the Old Country—Davitt and Parnell—Sullivan and Egan—Blaine's friendship—The charges at Toronto—The newspaper attack—Fair and unfair criticism—Paying off old scores—Cronin's circular as a text—An unprejudiced view..... 140

CHAPTER III.

More tales of Camp 20—Beggs' speech—What Coughlin said—O'Connor's firebrand—A stormy meeting—Was a life at stake?—Why feeling ran high—Charges of treason—Irish opinion—Reasons pro and con—Cronin's friends to the rescue—Clearing the memory of the dead—The peculiar features of the debate—But one side yet heard—Guesses at the private defense..... 150

CHAPTER IV.

O'Sullivan and his cards—The contract with the Doctor—A liberal arrangement—The flat on Clark Street—Waiting for a sick sister—Buying the big trunk—Getting an expressman—Money no object—The tenants of the Carlson cottage—Furnishing a death trap—How the conspirators must have lived—Camping out in a bare room—Waiting for the victim—Troubled dreams..... 165

CHAPTER V.

A fine night for a long ride—The white horse and the buggy—O'Sullivan's card—A deferred meeting—"Here is the key"—Where is the Doctor?—Looking for news—Mrs. Conklin's anxiety—Alarming his friends—The police informed—Losing valuable time—The bloody trunk found—Suspicion, but no proofs—Conflicting theories—Anxiety and slander..... 275

BOOK III.

"MURDER WILL OUT."

CHAPTER I.

Dinan and his suspicions—The secret nearly told—Miss Murphy's story—Cronin seen in a cable car—The conductor and the lint—Cronin in Toronto—Long's queer dispatches—Cronin's friends declare them fakes—Excitement in both factions—Woodruff comes on the scene—Waiting for more developments—Scattering of the conspirators—Cronin's anxiety—Capt. Schaack's work.....185

CHAPTER II.

The catch-basin on Evanston Avenue—Complaints of the neighbors—An evil smell—Looking for the cause—A ghastly find—Can it be Cronin?—How the body looked—The Agnus Dei—Marks of identification—The scene at the Morgue—"Yes, it is he!"—Commotion in the city—Intense excitement among the Irish—Charges of murder freely made—Preparing for the prosecution—A great funeral.....197

CHAPTER III.

Woodruff and his many stories—The first clue—The cottage at 1872 Ashland Avenue—What the Carlsons saw and heard—Suspicious circumstances—Williams and his story—Who is Williams?—The Hammond, Ind., letter—Burke's picture found—Revell's mark—What the salesman believed—The bloody foot-prints—Blood on the shutter—Painting over crime—The theater of the murder—The broken arm-chair.....210

CHAPTER IV.

Once more the white horse—A failure to identify—"Maj." Sampson's story—Coughlin's suspicious conduct—His arrest—O'Sullivan in custody—The case against each—Weaving the web—Fatal circumstances accumulate—Cooney, "the Fox"—Chasing the fugitives—Bewilderment upon all

CONTENTS.

hands—Where does the conspiracy reach?—Charges against Alexander Sullivan—Cronin's friends organize.....223

CHAPTER V.

Witnesses at the inquest—Getting at the crime—Cronin's prophecy—The pamphlet again—From the flat to the cottage—Luke Dillon on the stand—A sensational statement—Sullivan's protest—He is arrested—The report on the charges—A review of the work done on the case—Detective failures and detective successes—The verdict of the Coroner's jury—Newspaper comment.....230

CHAPTER VI.

Sullivan gives \$20,000 bail—A special grand jury—Windes' testimony—Martin Burke taken in Winnipeg—How he was found—Some secret history—A warning from Michigan—John F. Beggs in jail—His curious history—A man of odd adventures—His record—Why he joined the Clan-na-Gael—Indictments against Beggs, Coughlin, O'Sullivan, Burke, Cooney, Woodruff and John Kunze—Sketches of the suspects.....239

CHAPTER VII.

The fight in Winnipeg—Burke identified as Frank Williams—An exciting legal battle—Senator Kennedy turns up—The extradition proceedings—The Chicago end of the case—Help for Burke—Beggs' effort for release—Dwyer flies from the city—Burke brought from Manitoba—The "J. G." dispatch—The prisoner's precautions—Fears of a rescue—The jump from the train—Hurried to his prison—"Not guilty!"—The rival picnics—Funds for the prosecution.....258

CHAPTER VIII.

Closing up the case—Klahre and the tin box—Mrs. Whalen and her visits to the jail—Will any one confess?—The prisoners stubborn—Trying for a severance—The change of venue—Woodruff separated from the others—Woes of a "confessor"—The suspects before Judge McConnell—Ending of the preliminaries—Calling the conspiracy case.....271

BOOK IV.

THE LEGAL BATTLE.

CHAPTER I.

Wanted, a jury—The attorneys on either side—Luther Laffin Mills and Wm. J. Hynes—How they came into the case—Hynes and Alexander Sullivan—Forrest, Donahoe and Wing—Their peculiarities—A legal tournament—The challenges—The first juror—Cost of the panel—Expensive articles—Odd statistics of the case—The lesson of the Anarchist trials—Popular speculations on the result—The jury complete—Who the men were.....285

CHAPTER II.

A bomb-shell in the court—Charges of bribery—How the crime was discovered—A talesman's story—\$1,000 for a verdict—Excitement in the city—"Peaty's in the box"—Bailiffs Hanks and Salamon arrested—Other captures—Wild suspicions—John Graham in custody—His connection with A. S. Trude, Sullivan's lawyer—His reputation—The "J. G." dispatch again—Henry E. Stoltenberg brought in—A special grand jury—Indictments all around—An amazing attempt....300

CHAPTER III.

State's Attorney Longenecker opens the case—What the State agreed to prove—The coil of evidence—Getting down to hard work—"Call Henry Roesch"—The finding of the body—Cronin's "base-ball finger"—A tailor's tale—Leg measurements—What a barber remembered—The scar on the head—Maurice Morris and Joseph O'Byrne—Completing the identification—The dentist and the teeth.....310

CHAPTER IV.

How the end came—The broken skull—The hour of death—A curious time-piece—The record of the stomach—Dr. Moore and the newspapers—Dinan and Coughlin—The detective's plea—The driver of the buggy—Mrs. Conklin's story—The

stranger with the card—Cronin drives away—The last scenes—“God knows how long”—O’Sullivan’s explanation—Episodes of the legal work..... 328

CHAPTER V.

The State’s full case—The trial committee not proven—The chances for Beggs—Coughlin, Burke and O’Sullivan about the Carlson cottage—A fatal drink—The case against Kunze—Unfortunate cleanliness—Mertes, the milkman—Details of Cronin’s last night—The theory of the murder—The Doctor’s clothes found at last—Sensational scene in court—Mrs. Hoertel on the stand—Her startling evidence—Clancey and O’Sullivan—The experts on the relics—The volume of proof—Dangerous revelations..... 344

CHAPTER VI.

The case for the defense—Contradictions of the State’s witnesses—The white horse again—Attacking Mrs. Conklin’s identification of the famous animal—Impeaching alibis for Kunze, Coughlin, Burke and O’Sullivan—The German Clan-na-Gael—Why Kunze said he would be arrested—Mat Dannahy’s evidence—Coughlin at the station—O’Sullivan’s whereabouts—Circumstance against circumstance..... 360

CHAPTER VII.

The case for the defense continued—An alibi for the white horse—Louis Budenbender’s testimony—“It was a gray horse”—The surprise from Hoboken—More expert evidence on hair and blood corpuscles—How scientists disagree—Interesting details—The philosophy of not knowing—Arresting a witness—How Budenbender was subpoenaed—Mertes again on the stand—Carlson’s testimony seriously impeached—A breach in the wall of evidence—The prisoners’ hope..... 376

CHAPTER VIII.

Evidence in rebuttal—A curious incident—“That is a lie!”—Attacking the alibis—Swanson’s famous drive—Dan Coughlin’s knives—A sensational episode—T. T. Conklin and the Lowenstein brothers on the stand—Coughlin’s trousers—The knives and their meaning..... 390

BOOK V.

THE APPEAL TO THE JURY.

CHAPTER I.

Longenecker's review of the case—The "mountain peaks" of the evidence—The secret committee—Letters of Beggs and Spelman—"That committee reports to me alone"—From Camp 20 to the Clark Street flat—From the flat to the Carlson cottage—A chain of guilt—Why Cronin was denounced—O'Sullivan's contract—Burke and his flight—Coughlin's share in the plot—Kunze at the flat—An array of damning circumstances—Common sense and circumstantial evidence.....403

CHAPTER II.

Judge Wing's discourse—Stating the case for Dan Coughlin—"A strangely circumstantial case"—The famous Hull case cited—A word for the Clan-na-Gael—Daniel O'Connell and broad patriotism—"St. Bartholomew's night and the fires kindled by Calvin"—A careful statement of the evidence—The distinction between suspicion and proof—An eloquent plea.....424

CHAPTER III.

George Ingham for the State—A powerful plea—"Why was Dr. Cronin slain? Because he was condemned to die!"—The prosecution's view of circumstantial evidence—Conspirators and accessories—Tracing the plot—Kunze's interruption—"God knows I am innocent"—Daniel Donahoe's plea for O'Sullivan and Kunze—Analyzing the motives—Mistaken identity—What the law considers a reasonable doubt—The presumption of innocence—The duty of jurors individually.....435

CHAPTER IV.

Hynes' address to the jury—His wonderful voice—Examining the defense—Taking refuge in alibis—O'Sullivan's guilt—Where was Dan Coughlin?—Burke's damning flight—The

least guilty conspirator—A chance for Kunze—Mat Dan-
nahy's testimony—Why Cronin was murdered—The trial in
the dark—A murderous slander—Marshaling the facts—
An impassioned plea for justice—Scenes in the court-
room.....459

CHAPTER V.

The case for Beggs—William A. Foster takes the floor—Amen-
ities between counsel—The Clan-na-Gael not on trial—Pri-
vate vengeance instead of public justice—Beggs' life an open
book—His assistance to the State—"My client is not a fool,
tool or dupe"—Dr. Cronin was a dynamiter—The election
in Camp 20—A curious omission—Compliments for Mr. Ing-
ham—"Don't forget Beggs"—A heated debate—Beggs at
the reunion—"Tell all you know"—An eloquent sum-
mary.....479

CHAPTER VI.

The last word for the prisoners—Forrest's wonderful address—
An ingenious and forcible plea—"The jury is bound to ac-
quit"—The law of reasonable doubt—Whose was the hidden
hand?—Suspiciously prodigious memories—The futility of
expert evidence—As to Mrs. Hoertel—"F. W.'s" hand-
writing—Coughlin and Kunze—Mrs. Conklin's mistakes—A
motiveless crime—An appeal for Burke—"No Peroration
have I"—"Do your duty.".....491

CHAPTER VII.

Mr. Mills' Illness—Disappointment in the court—Too sick too
speak—State's Attorney Longenecker takes his place—A forc-
ible summing up—Judge McConnell's instructions—The law
of murder and the law of conspiracy—The duty of the jurors
—A magnificent presentation of the law—The jury retires—
How the prisoners acted—A criminal museum—Suspense
through the city—The verdict.....510

INTRODUCTION.

THE matter contained in the following pages is, I believe, as nearly the truth, in fact and in inference, as any one can come who does not pretend to more than an anxious desire that the truth should be told in the Cronin case; or to more than such access to the facts as the title page of this volume displays.

I know that a book written in this fashion will not please the eager partisans of either side in this controversy. It is simply an effort to set forth acknowledged and indisputable matters so arranged that the reader can grasp their meaning and their bearing, whether favorable to his own view or not.

About one thing alone have I been in doubt, and that is as to whether I should have admitted into the volume the ritual of the Clan-na-Gael as it appears in Chapter VI. of the first book. Mr. Loewenstein, the city-editor of the *St. Louis Republic*, secured and published this matter from a source well known in St. Louis, making it public property. It was copied all over the country at the time, a similar document was sworn to before the grand jury by Luke Dillon, and it is an affront to the intelligence of any man to pretend that there is any secrecy left about it. I can see no good reason why it should not be reproduced here—while there are many reasons why it should.

Another thing which is necessary to say before quitting this personal explanation is this. Upon two points solely have I asked the advice of friends, and in both of them I have not taken the advice given. One point was as to the title page of the book; the

other, the matter referred to above, about the old ritual of the Clan. The opinions, arguments and inferences are my own, and they are published without conference or consultation with any man. No one is responsible save myself, and for what any will find to criticise I must be the sole target.

All that I can say finally is this, that in one respect this volume resembles a certain well known Southern clime—it is paved with good intentions.

JOHN T. McENNIS.

CHICAGO, December, 1889.



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John T. McEnnis.

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CHARLES STEWART PARNELL.



MICHAEL DAVITT.

BOOK I.

THE DYNAMITE WAR.

CHAPTER I.

Celt and Saxon—The Irrepressible Conflict—The Seven Hundred Years' War—"To Hell or Connaught"—Memories of Cromwell—No Surrender—The Orange Faction—Limerick and its Sequel—Flight of the Wild Geese—A Legacy of the Stuarts—The Penal Laws—The Shan Van Vocht—From Wolfe Tone to Robert Emmet—"I thank God I have a Country to Sell"—O'Connell and Emancipation—The Great Betrayal—Fifty Years' Evictions—Starving out a whole People—A Fight for Life—The Choice of Weapons.

THE month of May in the year of our Lord 1169, and a rocky promontory on the coast of Wexford bearing the barbarous name of "Bag-an-bun," may seem to the reader far in time and wide in space from the month of May in the year 1889, and the little frame cottage on Ashland Avenue in the city of Chicago, where Dr. Cronin was murdered. Yet to understand the one, the reader must know something of the other. Fortunately for his patience the connection is one which can be rapidly sketched, and I will agree to pack all the ancient history I propose to tell in this one chapter.

A band of Welsh and Norman adventurers there began the conquest of the Irish, which is still going on after seven centuries, with as much bitterness as ever, and with as little hope of truce or peace. The Saxon element was not long in following the pioneers, and the struggle of the Celt with the Saxon began. People talk with wonder of the thirty years' war on the Continent; but here is a seven hundred years' war still in progress.

I shall not argue mooted points, or marshal authorities, but here is what everyone of Irish blood believes:

1st. That we have a right to life, liberty, and the pursuit of happiness.

2d. That the English Government has done, and is doing, all in its power to prevent our kin from enjoying these rights.

When the British Empire is brought to the great assize of history, many will be the counts in the indictment against it.

In Ireland it has ruled by secret murder and open massacre, by bribery, by treason, by all those crimes which make the name of England hateful to the world; and when, frantic under the burden of wrong, the Gael mutters his oath of vengeance, or calls out to Europe to witness the infamy of his oppression, there is the ready sneer that it is all the "blind hysterics of the Celt."

Let it be what it will, and let us get to facts from causes. The Irish people, and I know them as I know myself, have had welded into the very core of their being a burning hate of England, that paper compromises or soft words will not quench. You will find this motive in the true Gael, if you miss all the others. It lies beneath the surface. He may not wear it on his sleeve; but it is there—deeper and more of a living force even than his religion.

Demagogues may play upon it, "self-seeking" patriots may thrive upon it. By it he may be swindled, misled, betrayed, but you cannot kill the sentiment until you kill the Celt. And his children will suck it in with their mother's milk, until the day does come when the long reckoning will be presented for settlement, as come it must.

Cromwell drove the people from the more fertile provinces with the cynic direction, "To hell or Connaught," and to hell or Connaught they went, carrying with them nothing from the lands of their fathers but hate, and the wild purpose to fight while they could.

At Drogheda men, women and children were put to the sword in one common massacre, "to encourage the others." William of Orange followed in the Protector's footsteps, and more

men and women were killed for the moral effect. The treaty of Limerick is one monument to English treachery; the Orange faction another. And all the time while a disarmed people were exposed to the savage assaults of a ruthless soldiery, the adventurers, with perjury as their chief weapon, were confiscating Irish land. With one hand on Ireland's throat, and the other in the Irish pocket, the England of the revolution cuts an heroic figure in the last two centuries.

Everything that ingenuity could devise to destroy the leaders, to demoralize and enslave the people, and to rob all classes, from the chieftain in his castle to the beggar in his hovel, was done. It was the sordid assault of a national garroter, and in part it won. The leaders were as a class driven out; they formed the "wild geese" who passed over to France, and who left their mark at Fontenoy and upon many another stricken field. The people were dispossessed of their farms and of their property. and the penal laws came to trample still more cruelly downward a brave, generous and deserving race.

For a time Ireland looked to France. There were the soldiers of the Brigade winning honor and vengeance, but French help was a miserable dependence, despite the song of the Shan Van Vocht, and in 1798 the unarmed people desperately rose. They were beaten down of course. They had no cannon, practically no firearms, and no cavalry, against one of the best equipped kingdoms of Europe. A wild carnival of vengeance upon the rebels followed. Men were hung, shot, drowned, upon no trial, merely because they were Irish.

Their dishonored bodies were thrown into vast pits, still called croppies' holes, and Ireland was once more pacified. There was no more confiscation to make, because the garrison had long before made away with all the property on the island, and there was nothing left to take but life. It was taken greedily, and this not a hundred years ago.

For a time Ireland lay prostrate. Nationality was dead. With shameless and open bribery the act of Union was passed by Lord Castlereagh—his criminal work fitting in well with the time when a representative in the Irish Parliament could calmly reply to the taunt that he was selling his country with the cool and pious statement, "I thank God I have a country to sell."

The noble but futile struggle of Emmet, and of other self-sacrificing patriots, was in vain, and the people could only wait, hoping against hope, and laying up stores of vengeance to be drawn upon later.

Daniel O'Connell was the first leader of the new Ireland. By his own unaided force he secured Catholic emancipation, which he believed, and the Irish people believed, the first step toward freedom, and yet which was the greatest Irish mistake of the century. It was a sop to Cerberus—no more. The "respectable Catholics," as they were called in derision, went over in a body to the Government, which had offices to give and money to pay out, deserting their country at the very time its hopes were highest, and its prospects brightest. They fell away from the Repeal agitation, and, in spite of O'Connell's desperate struggles, that agitation came to naught, and Ireland once more saw that truth which is the only truth in the struggle with England, that physical force is the only argument to which the Government will listen.

So rose the "Young Ireland" party, which began with the foundation of the *Nation* newspaper, by Charles Gavan Duffy, in 1842, and as it rose the Repeal agitation crumbled away, getting its death blow from the Maynooth grants, by which the English Government bought up church help, and induced the Vatican to become its ally.

In 1846 came the famine. The economic condition of the island had gone from bad to worse. Rack rents were the rule, poverty was the rule. The people had been brought to rely upon the potato as their staple article of diet, and in that year the potato rot appeared. The corn crop was abundant, but that had to go for

the rent. Fever and famine scourged the land. The people lay dead but unburied by the road-side. Those who could fled beyond the seas, but so wasted and worn, that, just as an instance, of 493 passengers on the "Queen," 136 died; of 552 on the "Avon," 236 died. 89,783 persons embarked for Canada in 1847; 6,100 of these perished on the voyage, 4,100 on their arrival, 5,200 more in the hospital, 1,900 in the town to which they repaired—and this, remember, is from the official report.

No man can tell how many people died of the famine and the fever. They were mere Irish, and it did not matter. Says one of the most careful writers on this subject, T. P. O'Connor, M. P., in his history of the Parnell movement:

"The population of Ireland by March 30, 1851, at the same ratio of increase as held in England and Wales, would have been 9,018,799—it was 6,552,385. It was the calculation of the Census Commissioners that the deficit, independently of the emigration, represented by the mortality in the five famine years, was 985,366, nearly a million of people. The greater proportion of this million of deaths must be set down to hunger and the epidemics which hunger generated. To those who died at home must be added the large number of people who, embarking on vessels or landing in America or elsewhere, with frames weakened by the famine, or diseases resulting from the famine, perished in the manner already described. Father O'Rourke, calculating these at 17 per cent. of the emigration of 1,180,409, arrives at the total of 200,668 persons who died either on the voyage from their country, or on their arrival at their destination. This would raise the total of deaths caused through the Irish famine to upwards of a million people."

John Mitchell, Smith O'Brien and the other Young Irelanders made a desperate stand in 1848. They were rewarded with the prison and exile, and Ireland, now starved into paralysis, once more waited.

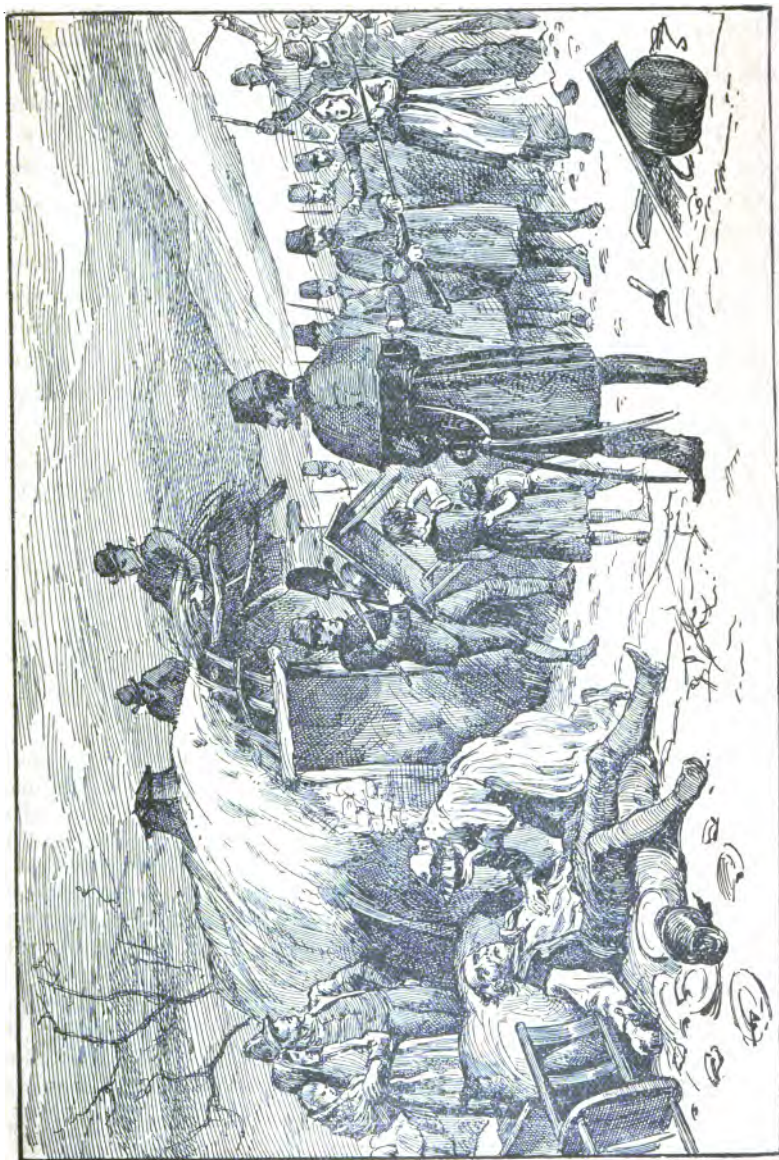
In 1850 the Tenant Rights movement began. William Keogh put himself at its head, only later to betray the people for a judgeship, like another Judas, with his thirty pieces of silver. The record of the time is so hopeless and so disgusting that I will not dwell upon it. Suffice it to say that once more every hope the Irish people could form of justice and right through peaceful agitation was blasted, and with cynical propriety the very man who had held himself out as the leader and the hope of Ireland, was put to the work of crushing his kinsmen, work that he did with the loving care of an apostate, anxious to prove his conversion by the zeal of his persecution. And thus we bring the narration down to 1865, which may be fairly regarded as the opening of the present campaign.

Perhaps I should not have gone so far back for the beginning of my story. It is a commencement that leads itself to the favorite English defense, that Irish wrongs are ancient history.

To go no further back than the present reign of Queen Victoria, here is the awful record of what British rule has done in Ireland, summarized and abridged to its ultimate limits. The article is taken from the *Chicago Citizen*, and is the best and most succinct explanation of why Irishmen hate England that the writer has yet seen. It runs as follows:

There are many reasons why the inhabitants of Ireland should submit gracefully to the rule of the Queen and Empress, Victoria, by the grace of God supreme ruler of the British Isles. Her many benefactions to the "mere Irish" are well known, and in this article I shall attempt to set them forth with circumstantiality. If the unalterable and benign bestowal of rags, poverty, starvation, chains and the gallows be not sufficient to awaken the gratitude of a people, I should like to know what is! At all events, here is the record:

1837—Her most gracious Majesty began her reign without coercion. Gustave de Beaumont, a French writer, noting the condition of Ireland at the time, says: "I have seen the Indian in his forest, and the negro in his chains, and I thought that I be-



AN EVICTION IN IRELAND.

held the lowest form of human misery; but I did not then know the lot of Ireland. . . Seeing it, one recognizes that no theoretical limits can be assigned to the misfortunes of nations."

1838—The Duke of Wellington declared that never was a country in which poverty existed to such a degree as in Ireland. (1) An Arms act passed.

1839—London *Times*, Oct. 25, 1839: "In order to benefit a small knot of haughty, unfeeling, rapacious landlords, the well-being of millions is disregarded." (2) An Unlawful Oaths act passed.

1840—(3) Another Arms act.

1841—Two coercive measures—(4) an Outrage act and (5) an Arms act.

1842—Provision riots. Numerous outrages.

1843—Thackeray, in "Irish Sketch Book": "Men are suffering and starving by millions." (7) Another Arms act, and (8) an act consolidating all previous Coercion acts.

1844—In his "Travels in Ireland," Kohl, a German writer, says: "I doubt whether in the whole world a nation can be found subjected to the physical privations of the peasantry in some parts of Ireland." Disraeli, House of Commons, Feb. 16, 1844: "We have a starving population, an absentee aristocracy, the weakest executive in the world: that is the Irish question." (9) Unlawful Oaths acts passed.

1845—*Times*, June 36, 1845: "The people have not enough to eat. They are suffering a real, though artificial, famine." (10) Unlawful Oaths act passed.

1846—Captain Wynne, a government official: "Famine advances on us with great strides." Lord John Russell: "We have made Ireland—I speak it deliberately—the most degraded and most miserable country in the world." (11) Constabulary Enlargement act.

1847—Mr. Bingham, House of Commons: "We are driving six millions of people to despair and madness. . . The people of England have most culpably and foolishly connived at a national iniquity. The landlords exercise their rights with a hand of iron, and deny their duties with a brow of brass." *Times*, Feb. 27: "89,758 emigrants embarked for Canada. One person in every five was dead by the end of the year." John Morley, House of

Commons, June 3, 1853: "All men agree that Ireland has been misgoverned. And who misgoverned her? The State." (12) Crimes and Outrage act passed.

1848—Great famine fever. Insurrection. (13) Treason Amendment act. (14) Suspension of Habeas Corpus. (15) Another Oaths act. John Mitchell was condemned, under the first-mentioned act, to fourteen years' transportation.

1849—Great famine fever continued. Census Commissioners declared that above one million and a half suffered from the fever since the beginning of '46, and added: "but no pen has recorded the number of the forlorn and starving who perished by the wayside or in the ditches." 90,440 persons evicted. In the Kilrush union alone 15,000 people were unhoused. Sir Robert Peel, speaking on June 8, in regard to the Kilrush evictions, said: "I do not think the records of any country, civilized or barbarous, present materials for such a picture." On July 29 occurred the *emeute* of Ballingarry; James Stephens was wounded. (16) Suspension of Habeas Corpus. This act was passed through both houses in one evening, and William Smith O'Brien and others condemned to death.

1850—104,163 persons were evicted. (17) Crimes and Outrage act passed.

1851—282,545 human dwellings destroyed by evicting brigade for ten past years, and 68,023 persons evicted this year. (18) Unlawful Oaths act.

1852—Sergeant Heron, Q. C.: "Ireland this year received a larger sum in charity from America than was realized by the profits of the trade of exporting horned cattle." *London Times*: "The name of an Irish landlord stinks in the nostrils of Christendom." 43,494 persons evicted.

1853—24,589 persons were evicted. (19) Crimes and Outrage act.

1854—John Bright, July 6: "There are districts in Ireland which no man can travel through without feeling that some enormous crime has been committed by the government under which the people live." 19,749 persons were evicted this year. (20) Crimes and Outrage act.

1856—5,114 persons evicted. (21) Peace Preservation act passed.

1857—5,475 persons evicted.

1858—4,643 persons evicted. (22) Peace Preservation act passed. For the previous six years Ireland had been without political organization. O'Donovan Rossa and James Stephens, out of despair, started Fenianism. "New Ireland," page 196, says: "The last endeavor of the Irish masses to accomplish amelioration within the lines of the constitution had been baffled and crushed."

1859—3,872 persons evicted.

1860—The chief secretary announced, on April 17, that "a large amount of destitution does in fact exist in the western districts." 2,985 persons were evicted during this year. Among the evictors was Lord Plunket, Protestant Lord Bishop of Tuam. "A hideous scandal," said the *Times* of Nov. 27. Lord John Russell sympathetically described how an entire Irish village which housed 270 persons had been razed to the ground. (23) Peace Preservation act.

1861—5,288 persons evicted. Terrible clearances in Glenbeigh, Donegal.

1862—5,617 persons evicted. (24) Peace Preservation act, and (25) Unlawful Oaths act.

1863—8,695 persons evicted.

1864—9,261 persons evicted.

1865—4,512 persons evicted. (26) Peace Preservation act passed. Lord R. Cecil, House of Commons, Feb. 24: "I am afraid the one thing which is peculiar to Ireland is the government of England." A. M. Sullivan's "New Ireland," page 261: "A time of trouble and of terrors. Midnight arrests and seizures, hurried flights and perilous escapes, wild rumors and panic alarms scared every considerable city and town." O'Donovan Rossa sentenced to penal servitude for life.

1866—3,571 persons evicted. (27) Suspension of Habeas Corpus act.

1867—1,489 persons evicted. John Bright, at Rochdale, Dec. 23: "The grievances have not been remedied. The demands of the people have not been conceded. Nothing has been done in Ireland except under the influence of terror." Attempted insurrection.

1868—3,002 persons evicted. John Bright, House of Commons, December: "I have not observed, since I have been in Parliament, anything on this Irish question which approaches the dignity of statesmanship." Goldwin Smith: "Irish legislation

within the last forty years, notwithstanding the adoption of some remedial measures, has failed through the indifference of Parliament to the sentiments of Ireland." (29) Suspension of the Habeas Corpus act.

1869—1,741 persons evicted. Between 1829 and this year twenty-seven bills and resolutions were offered by the Irish members on the land question, and every one was rejected. John Bright, House of Commons, April 30: "I say that the condition of things in Ireland which has existed in Ireland for the last 200 years, for the last 100 years, for the last 50 years, would have been utterly impossible if Ireland had been removed from the shelter and the influence and the power of Great Britain. The time has come when acts of constant repression in Ireland are unjust and evil, and when no more acts of repression should ever pass this house unless accompanied with acts of a remedial and consoling nature."

1870—2,616 persons evicted. Gladstone, House of Commons, March 11: "The oppression of a majority is detestable and odious. The oppression of a minority is only by one degree less detestable and odious." (30) Peace Preservation act.

1872—2,476 persons evicted.

1873—3,078 persons evicted. (33) Peace Preservation act.

1874—3,721 persons evicted.

1875—3,323 persons evicted. Prof. Cairns' Political Essays, p. 197: "I own I cannot wonder that a thirst for revenge should spring from such calamities." (34) Peace Preservation act.

1876—2,550 persons evicted.

1877—2,177 persons evicted.

1878—4,679 persons evicted.

1879—Famine. The rates for the support of the destitute reached \$5,000,000. 6,239 persons evicted.

1880—The paupers in the workhouses in February numbered 59,870, as against 51,302, the highest number during the famine of 1846. The number, additional, receiving outdoor relief was 117,454. The number relieved by the Dublin Mansion House Committee for week ending Feb. 28 was 519,625. 10,457 persons evicted.

1881—17,341 persons evicted. (35) Peace Preservation act. (36) Suspension of Habeas Corpus. (27) Arms act.

1882—26,836 persons evicted. Mr. Trevelyan, in House of Commons: "At this moment, in one part of the country, men are

being turned out of their houses, actually by battalions, who are no more able to pay the arrears of these bad years than they are able to pay the national debt." (38) Crimes act.

1883—17,855 persons evicted.

1884—20,025 persons evicted.

1885—15,423 persons evicted, 1,000 persons imprisoned without trial. Mr. Chamberlain, at West Islington, June 17: "It is a system which is founded on the bayonets of 30,000 soldiers, encamped permanently in a hostile country."

1886—Mulhall's "Fifty Years of National Progress": "Ireland—The present reign has been the most disastrous since that of Elizabeth, as the following statistics show: Died of famine, 1,225,000; number of emigrants, 4,186,000; number of persons evicted, 3,668,000. * * * *

* * * The number of persons evicted is equal to 75 per cent of the actual population. No country in Europe or elsewhere has suffered such wholesale extermination." Lord Aberdeen, at Leith, in October: "These evictions were always carried out in the Queen's name." Mr. Gladstone, House of Commons, April 16: "We are *particeps criminis*; we, with power in our hands, looked on."

1887—Coercion bill (39) which is to last forever.

1888—Imprisonment of Irish leaders.

This is the record of the past half century of British rule in Ireland, facts given officially and commented on by the leading statesmen and writers of England. They are commended to the attention of Pope Leo XIII as a full explanation of the reasons which have induced what is left of the Irish nation to defend themselves by plans of campaign, boycotting or any other weapon which can be readily seized and used by a people when set upon by the band of rapacious robbers which the *Times* and other authorities describe at length.

H. P. M.

In view of such an indictment as this, Irishmen would be unworthy the sympathy and respect of mankind if they did not make some effort to release themselves from the cruel alien rule which has done this to them. What weapon shall they choose?

But England is strong and Ireland weak. There is an empire of 200,000,000 on one side and an unarmed, unequipped

people of 4,000,000 on the other. What effort and organization can be made must be secret, and secret it has been.

For a hundred years past there has always been some hidden focus about which brave men could rally, and as one organization fell, smashed either by outer force or inner treachery, another has stepped into its place, and the unequal fight has still been waged.

Any conspiracy large enough to free a nation, large enough even to have a reasonable hope of doing something, must include a great many men. There can be no efficient guard against the enrollment of spies and detectives — no barrier against treachery which can be practicably applied. So, as soon as this Fenian Society and the Clan-na-Gael became dangerous, they were honey-combed with spies, and money was poured out like water to procure the betrayal of their plans.



CHAPTER II.

The Open Movement—Home Rule and Its Leaders—Isaac Butt—Charles Stewart Parnell—Divided England—Davitt's Position—Dillon, O'Brien, and the Plan of Campaign—A Hero of the Jail—Experiences on the Plank Bed—How the Police Treat Free Men—The "Garrison" in Extremities—Retribution and the "Removables"—The Landlord's Last Chance—Gladstone and His Work—Parnell's Prophecy.

MANY men are proverbially of many minds, and hence, while some favored physical force as the one weapon against England, others, more conservative, have always hoped rather than believed that something might be done for Ireland along peaceful and constitutional lines.

We have already spoken of O'Connell and the Repeal agitation, and of Keogh and the great betrayal. When the unripe and futile Fenian Revolt of 1866 was provoked prematurely and crushed, the minds of the Irish turned once more in a new direction.

A close examination of the whole situation has convinced every thinking Celt that at the root of most of the injustice to modern Ireland stands the legislative union with Great Britain; that repealed, there would be at any rate an easement of the friction. Nor is this a blind and vain hope. A sewer cannot be built in Dublin until London has said yes; and on one occasion, since made historic, it was proven that it cost the corporation of Dublin £9,000 for parliamentary permission to tax itself, build itself and pay itself for a most necessary conduit.

This is a mere trifle. Had there been an Irish congress in the famine years, it is agreed now that there would have been no famine; for Irish statesmen were a unit at that time in urging upon government a measure which would have ended the scarcity. It was simply closing the ports against the export of food products.

It may surprise the reader to learn that during the famine years Ireland exported cereals as follows: In 1845, 3,251,901 quarters; in 1846, 1,826,132 quarters; in 1847, 969,490 quarters; in 1848, 1,952,592 quarters; in 1849, 1,435,963 quarters. The reader will remember that one quarter of wheat is equal to 392 pounds of flour, or 470 pounds of bread—an ample yearly ration for a man. As far as cattle are concerned, there were exported during the worst years of the famine nearly half a million pounds more in money value than was required to feed 3,000,000 hunger-stricken people. But the food export was not checked, nor was any wise legislation begun until too late to save millions, while the emergency men and the battering-ram were permitted to add their horrors to the already deplorable condition of the peasantry.

It would require a volume rather than a chapter, to show in how many startling ways English legislation—even when that legislation has had a friendly purpose—has failed in Ireland. To every American the case is one which does not need making out. It is a political axiom, that a people should govern themselves, which does not need proof.

But how to come to it?

Isaac Butt began life as an Orange Tory, and ended as the father of the Home Rule movement. One of the most gifted students of Trinity, he was chosen to answer O'Connell when the latter made his great repeal speech before the corporation of Dublin, and Butt's address is even yet considered the best presentation of the argument for the union.

It took years to alter his convictions, but they were altered, and for twenty years Ireland's hopes were centered on him. Butt saw the weakness of the English position, which is, of course, in the land question.

The disestablishment of the Irish Church brought together elements in Ireland which before then there was a difficulty in allying, and the Home Rule party was composed of Protestants

and Catholics. Isaac Butt was called to the leadership, and the fight against the very citadel of oppression was begun.

Honest, fearless, eloquent, and deeply versed in economic science, a patriot in the very best sense of the term, and a providential man in his day, Butt was not destined to lead the party to success, for his limitations were too serious. Nothing is gained from England by rosewater, and it was rosewater that Butt had to use under the circumstances of the case. He was without money, and he was not backed up by a strong and vigilant organization. He had to take his members of Parliament as he could get them, and many were men who went into the movement with an eye single to the price the Government would probably pay them upon selling out

It was really upon the night of April 22, 1875, that the new movement took its present victorious form, or rather, that it found in its hand the potent weapon of obstruction. Upon that night Butt had desired to delay one of the innumerable coercion acts, and he asked Joseph Biggar to take the floor and speak for a "pretty good while." Biggar spoke for four hours. Says T. P. O'Connor :

"Neither Mr. Butt, nor the House of Commons, nor Mr. Biggar himself, could possibly have foreseen the momentous place which this night's work was destined to hold in all the subsequent history of the relations between England and Ireland. It was on this night that the policy was born which has since become known to all the world—the policy known as 'obstruction' by its enemies, and as the 'active policy' by its friends. It will be appropriate here to give a sketch of the man to whom this portentous political offspring owes its being

"There are few men of whom the estimate of friends and enemies is so diverse. The feeling of his friends and intimates is affectionate almost to fanaticism. When there are private and convivial meetings of the Irish party, the effort is always made to limit the toasts to the irreducible minimum, for talking has natur-

ally ceased to be much of an amusement to men who have to do so much of it in the performance of public duties. There is one toast, however, which is never set down, and is always proposed: this toast is 'The Health of Mr. Biggar.' Then there occurs a scene which is pleasant to look upon. There arises from all the party one long, spontaneous, universal cheer, a cheer straight from every man's heart; the usually frigid speech of Mr. Parnell grows warm and even tender; everything shows that, whoever stands highest in the respect, Mr. Biggar holds first place in the affections of his comrades. There is another and not uninteresting phenomenon of these occasions. To the outside world there is no man presents a sterner, a more prosaic and harder front than Mr. Biggar. On such occasions the other side of his character stands revealed. His breast heaves, his face flushes, he dashes his hand with nervous haste to his eyes; but the tears have already en and are rushing down his face."

Following this came shortly to the front another man, who soon made his name a watchword for Ireland. This was Charles Stewart Parnell. Less than a year ago, in Dublin, I was told a curious story of Parnell's entrance into public life. The county of Dublin was to be contested; it would be an expensive fight, and a hopeless one, but Mr. Butt was anxious that it should be made. In a conference between three or four of the leaders of the party, in a little room on Sackville Street, name after name was considered, but no conclusion could be reached.

"Why not try Parnell?" said one.

"Who is he?" asked several of the gentlemen.

"A Wicklow squire, a thorough believer in Home Rule, and a man that would make a sacrifice if he saw it was needed."

Parnell was seen, and he came to Dublin the next day, and had a long conference with Butt. The man who had proposed him asked Butt a few minutes afterward what he thought about him.

"Don't ask me," Butt replied, "I believe this fellow has be-

witched me. I don't know what to think of him, but he is going to stand for Dublin."

In his first speech at the rotunda Parnell broke down completely from stage fright, and shortly afterward he was beaten for the membership, as he knew he would be, by Col. Taylor, who had an overwhelming majority. Within a year, the representation of Meath becoming vacant through the death of John Martin, Parnell was returned for that county, and he at once ranged himself with Biggar to fight out the "active policy."

A storm of abuse from friend and foe fell upon their devoted heads. Obstruction was denounced as ungentlemanly and unfair. Butt's chief followers would have nothing to do with the two parliamentary pariahs who had no respect for the public opinion of the House. Mr. Biggar was especially lectured. He was told he was no gentleman, even by his own associates. George Bryan told Parliament *apropos* of Biggar's outrageous clearing of the gallery, when the Prince of Wales was present, that a man should be "a gentleman first, and a patriot afterwards."

Biggar is in the pork trade, and this fact added to the unpopularity with which the sycophantic press regarded him. Said the London *World*, Edmund Yates' paper, about this time:

"Heaven knows that I do not scorn a man because his path in life has led him among provisions. But though I may unaffectedly honor a provision dealer who is a Member of Parliament, it is with quite another feeling that I behold a Member of Parliament who is a provision dealer. Mr. Biggar brings the manner of his store into this illustrious assembly, and his manner, even for a Belfast store, is very bad. When he rises to address the house, which he did at least ten times to-night, a whiff of salt pork seems to float upon the gale, and the air is heavy with the odor of the kippered herring. One unacquainted with the actual condition of affairs might be forgiven if he thought there had been a large failure in the bacon trade, and that the House of Commons was a meeting of creditors and the right hon. gentlemen sitting on the Treasury Bench were members of the defaulting firm, who, having confessed their inability to pay ninepence in the pound,

were suitable and safe subjects for the abuse of an ungenerous creditor."

Discussing this period, in which he himself played a brilliant role, T. P. O'Connor declares that the new policy was developed rather than formulated. It began simply in the practice of blocking a number of bills in order to bring them under the half-past twelve rule, which forbids opposed measures to be taken after that hour. It also became the custom of either the member for Cavan or the member for Meath to propose motions of adjournment in various forms when half-past twelve was reached, on the ground that proper discussion could not take place at so late an hour. Then, interstices of time which the Government would gladly employ for advancing some stage of their measures, were filled in by the Irish members. Thus, for instance, a bill standing for second reading would be approaching that stage at twenty minutes past at an ordinary sitting, or half-past five on a Wednesday. To the horror and disgust of everybody else, Mr. Biggar or Mr. Parnell would rise and occupy the time between that hour and half-past twelve or a quarter to six, when contentious business could be no longer discussed, and further consideration of the measure had to be postponed to another day. In this manner the two members gradually felt their way, became more practiced in speaking, and obtained an intimate acquaintance with the rules of the House. Throughout all this time, of course, they were harassed by interruptions, shouts of "Divide," groans, and calls to order; and for a time, at least, Mr. Parnell used occasionally to lay himself open to effective interruption by his yet immature acquaintance with the laws of the assembly. "How," said a young follower of his to the Irish leader, "are you to learn the rules of the House?" "By breaking them," was Mr. Parnell's reply; and this was the method by which he himself gained his information.

Isaac Butt, every one of whose instincts and prejudices was opposed to this sort of a fight, would have nothing to do with Biggar and Parnell, and he declared that if they had the support

of the Irish people he would retire from politics as from a "vulgar brawl." The other members of the Home Rule party with some few honorable exceptions held aloof, and the two champions were left to hold the gap almost alone.

But if the politicians were not with them the people were. The struggle had fired the Irish heart, and the nation, which had utterly lost confidence and hope in any sort of good that could come out of parliamentary work, on account of the long series of betrayals they had met in the House of Commons, began to look hopefully to the two leaders who had braved the very worst that the enemy could do, and who had proved that there was at least something possible in Parliament.

The change of front began in England, among the Irish settled there, who have always been the most energetic and uncompromising of the sea-divided Clan-na-Gael. There, at the close of 1877, the Home Rule confederation deposed Butt from the presidency of the organization and elected Parnell in his place.

Butt died May 5, 1879, and a compromise candidate, Mr. Shaw, was chosen chairman of the Home Rule party in Parliament. Parnell and Biggar, with a growing band of followers, pushed forward their parliamentary campaign, and were at last able to show the Irish people results for their work.

In the meantime another and extra-parliamentary movement had now come to the front, destined to have the most important results upon the Irish question. This was the Land League.

Michael Davitt was born in 1846, in Mayo. His family were evicted and went to England to live. There Davitt grew up. Losing his right arm in a mill, and being unfitted for manual labor, a struggle was made by his family to give him an education which would replace his loss. Never were sacrifices by loved ones more amply repaid. Davitt's national history is soon told. He cast himself into Fenianism with all the devotion of a young and ardent nature. On May 16, 1870, he was arrested in Lon-

don, and on the information of the infamous Corydon, the informer, he was sentenced to fifteen years' penal servitude.

In confinement he had time to reflect deeply over the whole Irish problem, and when he was released on a ticket of leave, in December, 1877, he was able to show the world what his solution was.

He came to America and here met John Devoy and other exiles. The whole situation was patiently and carefully examined, and what has come to be called the "New Departure" was resolved upon.

The result was that Davitt returned to Ireland and established THE LAND LEAGUE, whose cardinal purpose, shorn of all accidental circumstance, was the substitution of a peasant proprietorship for the present system of holding land in Ireland.

On the 8th day of June, 1879, Mr. Parnell definitely put himself at the head of the League, which was not then an organization, but a possibility. On October 21st following, the first meeting was held at the Imperial Hotel in Dublin. A definite programme was announced, Parnell was chosen president, and Davitt, who was the real heart and soul of the organization, but who was barred from the leadership by his own feeling that it would be better otherwise, was appointed one of the honorary secretaries. J. G. Biggar, W. H. O'Sullivan and Patrick Egan were appointed treasurers, and Mr. Parnell was asked to go to America with John Dillon to ask for help from this side. £72,000 was at once subscribed.

The history of what followed is so recent that every reader of this book must remember it. Parnell became the leader of the whole Irish people, with such trusted and trustworthy lieutenants as John Dillon, William O'Brien, Tim Healy, E. Harrington, and all the rest of that gallant band of Home Rulers who have finally rent English parties in twain and planted themselves firmly in the center.

The vulnerable point of the English dominion in Ireland has

always been the land question; and against the land has the attack been directed. The result has been to reduce the "garrison," as it is called, to extremities, and compromises which would have been greedily accepted by the people ten years ago are now contemptuously refused.

The plan of campaign and the boycott have done their work and undone all that Cromwell and William of Orange effected. Retribution awaits upon the "Removable Magistrates," who are the last anchors to windward the English landholders can rely upon. Already Gladstone has definitely committed the Liberal party to Home Rule, and Mr. Parnell has definitely declared that three general elections will not go by before justice will finally be done to Ireland, and by an Irish Parliament.

CHAPTER III.

Revolution Under Difficulties—Fenianism and the Pope—The Crusade against Secret Societies—Hidden Conspiracies in Former Times—The Old Man of the Mountain—The Assassins or Hasheeshans—Knights Templars and their Fate—The Chouan—The Red Internationale—Nihilism, Socialism and Anarchy—Penalties for Treason in Ireland and Italy—Curious Secret Oaths—The Hell-fire Club, and the Monks of the Screw—Blood-curdling Rituals.

THOSE who have believed that in the strong arm lay the only hope for Ireland have found themselves antagonized by foes without and within. When a weak nation prepares to deliver an attack upon a strong one, when a small force has made up its mind to oppose a large one, there must necessarily be some period of secret preparation, if there is to be any hope for the result.

For this reason the Irish revolutionists have been forced into secret societies; and yet secret societies are under the ban of the Catholic Church. Their temporal salvation is menaced by England; their eternal salvation is threatened by Rome.

Among the Irish, too, the reader need not be told that the Catholic Church is a vital power, whose canons are taken by the people as the one unfailing guide of life and morals. Its attitude on any question secular or spiritual is of the chiefest importance, and hence the fact that it has set its face against the only possible manner in which a conspiracy for Ireland can be begun, has been one of the great factors in Irish failures.

From the days of Pope Adrian, of pious memory, Papal interference in Ireland has always been, either wittingly or unwittingly, on the English side of the controversy. Whether we examine the course of Rinucini in the 1640's or Persico in the 1880's, the consequences are always the same, and the causes

alike. Giving the legates in every case credit for all the virtues which can dignify a churchman, their interference has been unfortunate, and the results disastrous. This is of course because Rome has steadily proceeded upon the theory, even in our own times, that Ireland is a fief of the church, and the Celts in a special manner the subjects of the Holy Father. I do not mean that this theory has been advanced or even stated; but that it has been acted upon who can deny? Is there any man fair and unprejudiced who can examine all the facts and say that after all the Temporal Sovereignty was not the paramount political issue among the Irish hierarchy up to within the last few years? Does any one even yet go to the great and wealthy Seminary of Maynooth to find Irish nationality? Do the Jesuits teach it? I am not discussing the right or wrong of the case, but the fact.

And the fact stands out that since O'Connell made the initial blunder of getting Catholic emancipation, before the Repeal of the Union was secured, patriotism and religion in Ireland have been animated with different and even contrary purposes. As an Irish political force Catholicity was eliminated from the problem early in the century, but the people are only slowly learning it.

The Fenian Society was at one time a hopeful and promising organization. In spite of all the open and veiled opposition of its enemies, the people flocked into the circles, and the Irish race all over the world was organized as it never had been before. Had the society waited; had the insane raid on Canada been at least deferred; had wise and firm leadership prevented the premature exploitation of the revolt in Ireland, there was a fighting chance to win.

It was so serious a conspiracy against the British rule that Pio Nono was compelled to launch at it the thunders of the church. Fenians could not be buried in consecrated ground. Cardinal McCabe proved that to the whole world in the McManus funeral. It was from a Catholic divine that the statement came that "hell was not hot enough for such miscreants" as the Fenians,

The record of that time goes to show an attitude on the part of the church which readers in 1889, who note with admiration the work of such prelates as Croke and Walsh, and such priests as Sheehy and McFadden and Stephens, of Falcarragh, can hardly understand. Under the Papal ban many withdrew from Fenianism. It had been disintegrating from other causes, but this was the *coup de grace*.

To be perfectly fair, it must be admitted that there was a logical justification for the Pope's course in the history of the Papal attitude to all secret societies. It began in the Crusades, when the Old Man of the Mountain sent his Assassins, or Hasheeshans, as they were properly called, and from whom we get the modern word, on their secret errands of murder. This was the first oath-bound society with which the Catholic Church came in contact, and it certainly was not of a character to command respect or admiration for the system.

The chivalric orders were partly military, partly religious, and partly secret, with the church taken into confidence as to what the secrets were. The Knights Templars were especially organized along lines which, in the modern world, would seem to have all the notes of Masonry, and it was this order which was made the first object of attack. The Templars were disbanded, and their rich priories and preceptories seized after one of the most sensational trials in the long and exciting record of the middle ages.

The church has set its face against Masonry ever since that order began to be a power in Europe, chiefly because it was believed to be at the bottom of the great revolutionary upheaval that closed the eighteenth century and shook all the thrones of the Old World so that they still totter. Whether the charge be true or false, none can doubt the uncompromising hostility, nor can any one say that the church is not, from its point of view, justified in its course.

Italy has especially been the land of secret political societies.

The Carbonari has been Italian Fenianism, working along very similar lines politically, and differing only because the former antagonized the Pope as a temporal sovereign, and finally confused the temporal sovereignty with Catholicity, and delivered its attack indiscriminately against all religion. For this, properly enough, it was anathematized; but Fenianism never opposed religion, nor even menaced it. It was almost exclusively Catholic in its membership, and was no more dangerous to the Holy Father, or the interests he is bound to protect, as the vicar of Christ, than the French Chouan, the secret Royalist conspiracy, which was fostered by the Catholic Church, although, it too, had all the notes of Masonry.

As to the Red Internationale, Nihilism, Socialism and Anarchism in all their forms and developments, the position of the church is unmistakable and sound. It claims to be the great conservative force of the modern world; it is the target of attack for all these protean forms of modern social discontent. It is a fair fight, and one in which civilization, as we understand it, must sympathize with Rome.

In Italy, as in Ireland, the way of the informer was hard. The penalty of treason was death, and that penalty was inflicted with certainty. Again, putting one's self in the position of a conspirator who was staking fortune and life in what he regarded as a sacred cause, where the fidelity of his associates was an essential to success, common sense would dictate that every means to insure that fidelity would be taken.

Men who are playing for their lives are not to be judged by the ethics of a sewing society. If Italian unity was worth fighting for, the revolutionists had in the first place to outlaw themselves. They had to put themselves out of the enjoyment of every right that organized society could give them, and to keep their heads with their own hands, as best they might.

It was for this reason that the Carbonari of Italy swore the "apprentices" upon the point of a naked dagger, and, in order to

add more solemnity to the rites of initiation, reproduced part of the great Christian tragedy in their lodge room, the initiate being crowned with thorns and judged by Pontius Pilate. If the oath was betrayed, the name of the traitor was written upon a piece of paper and burned in the lodge room. Thus he was outlawed among the good cousins and his life forfeit.

The Hetairia of Greece were sworn in with a Turkish bow-string about their throats, and a brother's dagger pricking the skin over the heart, so that some blood came out.

Young Italy clothed the ceremonies of initiation into that conspiracy with many striking solemnities, while on the other hand the Nihilists have no oath at all, although they pursue spies with a grim determination which the Southern nations have never shown.

The whole purpose of all these initiatory oaths is of course to provide for the secrecy and the protection of the lodge, and in some instances their terms have been horribly menacing and as horribly carried out.

In Ireland this has not been the case. Traitors to no end there have been, but ostracism and execration, rather than death, has been their fate. Carey is the only man in recent times who has been put to death for betraying the people; and according to one story he was shot by a wandering Irishman who had no mission of death to carry out—although, of course, this theory is not the accepted one, nor the one elsewhere printed in these pages.

From the serious it is always a short step to the grotesque; and hence we come from the solemn and meaning ceremonies of the Italian revolutionists to the fantastic oaths and shibboleths of other orders. Two of the most curious of modern secret societies have had their birth in Ireland. One of them was one of the most impious associations ever devised by misdirected human ingenuity. This was the famous, or rather the infamous, Hell-fire Club, of Dublin, to which no man could belong who had no

killed his man in a duel. The initiation was made interesting by all supposed steps of a descent into hell and an introduction and oath of fealty to Satan, and included such episodes as drinking blood out of a skull, and swearing the oath of allegiance upon a freshly exhumed corpse.

The Monks of the Screw were an entirely different society, convivial to the last degree and jolly, from its grand prior to its last entered acolyte. Its purpose was the assembling of the wits of Dublin around the festal board. On gala occasions the members appeared in a costume copied closely after that of one of the most ascetic orders of the church, the Carmelites, and their ceremonies were based upon the Carmelite ritual, which was copied in all its details, save the diet and the drinking, and the carnal and worldly-minded conversation which distinguished the refectory of the Monks of the Screw.

CHAPTER IV.

Secret Societies in Ireland—Veiled Revolution—The Croppies' Holes—How Fenianism Began—McManus' Funeral—A Menacing Demonstration—Enrolling the Soldiers—O'Donovan Rossa and the Conspiracy—Sergt. Brett's Death—Allen, Larkin and O'Brien Hanged—The Manchester Martyrs—"God Save Ireland"—Parnell Takes up the Work—Le Caron on the Clan-na-Gael—The Dynamite War—Twenty-nine Prisoners in English Jails—Record of the Explosions—Mackay Lomasney and His Fate—Sketches of the Convicts.

REVOLT, secret or open, has been the rule in Ireland—the normal condition of its politics—for seven centuries. There has been a long line of secret societies, one dying out only to be succeeded by another, reaching from the Craobh Rhuadh to the Clan-na-Gael. Ancient history, however, has already been told, and it will be enough here to consider solely the origin, strength and scope of the present revolutionary movement.

Rent in Ireland is not rent in America; it is essentially a tribute exacted from a half-conquered people. It is as much a war levy as the milliards that Germany forced France to pay, and as such do both the Irish tenants and the alien and absentee landlords regard it.

The Celt would forfeit his title to the respect of the civilized world, did he not fight with all his heart and all his soul and all his cunning against the empire which has despoiled him and murdered his kin, now with arms, now with artificial famine. There can be no peace between the two peoples until either Ireland is a desert, or is free. It is war to the knife, and the knife to the hilt. There can be neither truce nor compromise.

After the abortive insurrection in 1798, it was generally believed that the Irish nation was dead and buried in the "Croppies' holes" in the southern cities, as the great graves are called where the hundreds of hung rebels were tumbled into one common

sepulture with every mark of obloquy and insult, but which now are the holy places of Ireland. But it was not so.

There was a struggle in 1848, suppressed in the usual manner; and finally, in the '60s, a new generation came upon the stage, ready to take up the contest, and pass it on as a sacred legacy to their children. Judge Keogh, whose name will be execrated as long as there are Irishmen to remember his treachery to the people of his blood, and the little group of lesser Judases were supreme in Dublin. The island was pacified. Ireland was again dead and buried. Several of the '48 men, notably Mitchell and Meagher, had escaped to this country; with them was James Stephens, the founder of Fenianism.

In 1858 Stephens returned to Ireland, and met there, in Skibbereen, Jeremiah O'Donovan Rossa. The result of their conference was the foundation of the Fenian Society, so named after the Fionna, the Irish military order, whose exploits form the bases of so many of the Old World legends. The Society was to have two wings. Arms and the commissariat were to be found by the Americans, and the Irish society was to complete an organization which would take in all of the island.

The church antagonized the movement, and a priest betrayed it. O'Donovan Rossa and a number of the conspirators were found guilty, and sent to penal servitude.

In 1861 Terence Bellew McManus died, in San Francisco. He was one of the revolutionists of 1848, and a man whose name was a household word with the Irish of that day. It was determined to make his funeral a great revolutionary demonstration. T. P. O'Connor, in his history of the Parnell movement, says:

"The body was conveyed across America with every circumstance of pomp and solemnity. To Ireland at last came the funeral procession that had thus stalked solemnly across the vast continent and the wide expanse of ocean. Such a spectacle was well calculated to inspire the imagination and to stimulate the patriotic passions of the people. The movement was still further

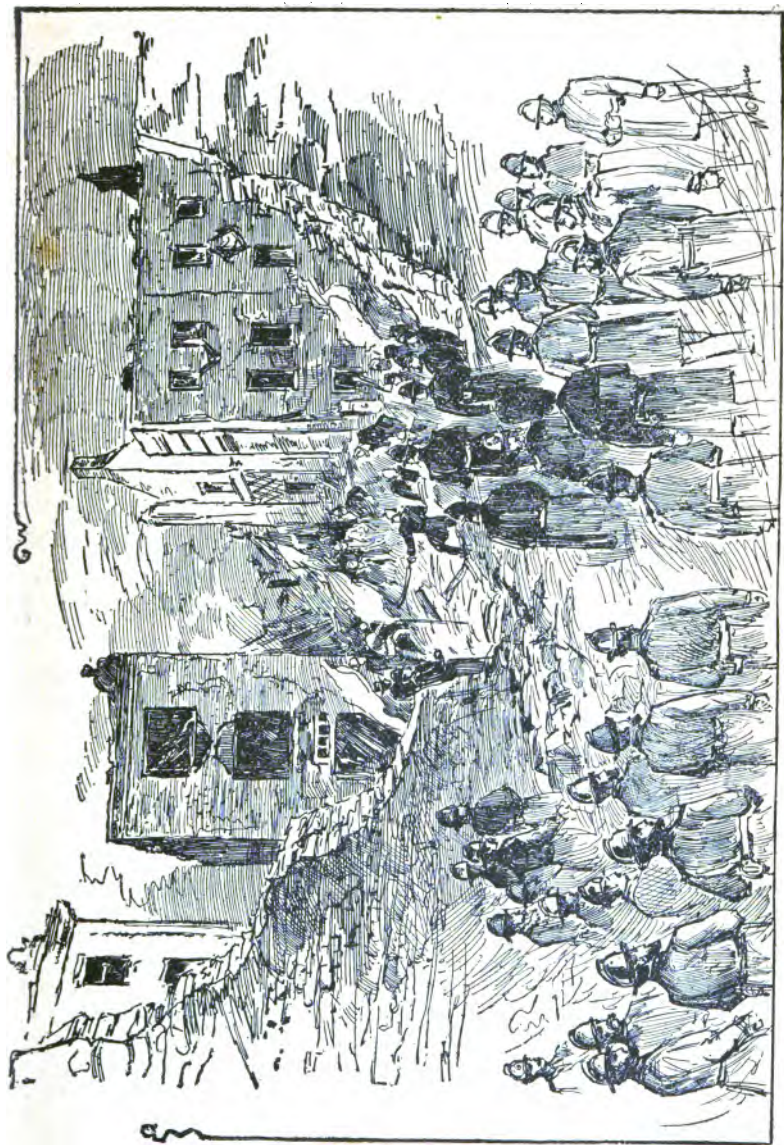
strengthened by the opposition which the funeral demonstration received from the ecclesiastical authorities. Archbishop Cullen continued to the dead conspirator the same hostility which he displayed to the living members of secret societies. To him it soon became known that the funeral was serving as a trumpet-call to gather in recruits for the revolution through the country. He refused to allow the body to lie in state in any of the churches of his diocese. This added feelings of bitter exasperation to all the other forces tending to make the funeral a new departure in Irish politics. The coffin was landed at Queenstown on Oct. 30, 1861, and the funeral took place in Dublin, on Sunday, November 10. In this interval the country was excited by a fierce controversy between the Fenians and Archbishop Cullen, and the controversy brought recruits in daily larger numbers to the revolutionary organization. At last the funeral wound up in a demonstration which was a fitting close to the preceding events. Fifty thousand people followed the remains; at least as many lined the streets; and the procession solemnly paused, with uncovered heads, at every spot sacred to the memory of those who fought and died in the good fight against English tyranny; in Thomas Street, at the house where Lord Edward Fitzgerald met his death, and the church where lie his remains; at the house in High Street where the remains of Wolfe Tone had been laid before the removal for final interment; especially opposite the spot where Robert Emmet was executed. 'In passing the Castle,' says a chronicler of the period, 'the procession slackened its pace to the utmost, and lingered on its way in silent but stern defiance.' Finally, as night closed in, the body was deposited in Glasnevin Cemetery."

After this recruits to the new organization poured in in a steady flood. Even the British army in Ireland was affected, and 15,000 soldiers were enrolled in the society. Spies and detectives filled every town in Ireland, and at last the Government struck. On Sept. 15, 1865, the *Irish People* was seized, and Luby O'Leary

and O'Donovan Rossa were arrested. Stephens was taken some time later, but managed to escape from Richmond jail. To the horrified amazement of the people Judge Keogh, whose betrayal of the people but a few years back had been the active cause of driving even conservative men into the revolution, was selected as the principal one of the trial judges!

Says O'Connor: "The original scandal of appointing such a man to preside over the Fenian trials was aggravated by his conduct of the cases. He bullied the prisoners so flagrantly that at last some even of the English press cried shame, and occasionally he poured upon some unhappy creature he was about to send to penal servitude for several years, the plenteous vials of his abundant billingsgate. Meantime the Irish people looked on shocked, enraged, impotent; naturally loathing with greater cordiality the system which placed infamy upon the bench, and honesty in the dock, that permitted the perjured assassin of their hopes to draft to the horrors of penal servitude the spirits he himself had summoned from the vasty deep of a nation's despair."

Much of the strength of Fenianism lay among the Irish population of England, and emissaries were constantly passing between the two countries. It thus came to pass that some of the leaders were arrested and lodged in English jails. One of these, Gen. Burke, was incarcerated in Clerkenwell prison. It was resolved that he should be rescued. The task was entrusted to ignorant hands. A barrel of gunpowder was placed in a narrow street by the side of the wall in that part of the prison where Gen. Burke was supposed to be exercising. The wall was blown down. The prisoner, fortunately for himself, was not in that portion of the prison at all; if he had been, his death would have been certain. A number of unfortunate people of the poorer classes, living in tenement houses opposite the prison, were the victims. Twelve were killed and a hundred and twenty maimed. This occurred on December 13, 1867. A man named Barrett was tried and convicted, and was hanged in front of Newgate prison.



THE CLERKENWELL EXPLOSION. FIRST CRASH OF THE DYNAMITE WAR.

The second event brought out with equal emphasis the hold which the insurrectionary movement had taken upon the Irish in England, and the reality and proportions of the danger to the empire. The conduct of the movement had passed, after the arrest of Stephens, and during his absence in America, into the hands of Col. Kelly. In the autumn of 1867 Col. Kelly was in Manchester, at a Fenian meeting. As he was returning home with a companion, Capt. Deasy, the two were arrested on suspicion of loitering for a burglarious purpose. They gave false names, but were soon discovered to be the formidable leader of the conspiracy and one of his chief lieutenants. The Fenian organization was at the time extremely strong in Manchester, and a rescue was resolved upon. On Wednesday, Sept. 18, the prison van, while being driven to the county jail at Salford, was attacked at the railway arch which spans Hyde Road at Bellevue. A party of thirty rushed forward with revolvers, shot one of the horses, and the police, being unarmed, fled. An attempt was made to open the door of the van with hatchets, hammers and crowbars, but this failed; and meantime the police came back, accompanied by a large crowd. Sergt. Brett, the policeman inside, had the keys, which some of the party, opening the ventilator, asked him to give up. He refused; a pistol was placed to the keyhole for the purpose of blowing open the lock; the bullet passed through Brett's body, and he fell, mortally wounded. The keys were taken out of his pocket and handed out by one of the female prisoners. Kelly and Deasy were released, and hurried off into concealment, and were never recaptured. Meantime a crowd had gathered, several of the rescuing party were seized and almost lynched; one of them, William Philip Allen, was almost stoned to death. Soon after William Philip Allen, Michael Larkin, Thomas Maguire, Michael O'Brien (*alias* Gould) and Edward O'Meara Condon (*alias* Shore) were tried for the willful murder of Sergt. Brett. They were convicted, and all sentenced to be hanged. The trial took place amid a hurricane of public passion

and panic. The evidence was tainted, and was soon unexpectedly proved to be utterly untrustworthy. Thomas Maguire, tried on the same evidence, identified by the same witnesses, convicted and sentenced by the same judges, was proved so conclusively innocent that he was released a few days after his trial. Allen and the others declared solemnly that they had not intended to hurt Sergt. Brett. Condon, in speaking, used a phrase that has become historic: "I have nothing," he said in concluding his speech, "to regret or take back. I can only say, God save Ireland." His companions advanced to the front of the dock, and, raising their hands, repeated the cry, "God save Ireland."

Maguire was released and Condon was reprieved. For some time there was a hope that the breakdown of the trial in the case of Maguire would result in a reprieve in the cases of the other three. But the authorities ultimately decided that the three men should be hanged, and on the morning of Nov. 23, 1867, Allen, Larkin and O'Brien were executed in front of the Salford jail. A short time afterwards their bodies were buried in quick lime, in unconsecrated ground, within the precincts of the prison.

It is impossible, even after the considerable interval that has elapsed, to forget the impression which the event produced upon the Irish people. In most of the towns in Ireland vast multitudes walked in funeral processions through the streets to testify the terrible depths of their grief.

Men speak of it to-day with almost the same frenzied bitterness as at the moment when it took place. A few days after the execution Mr. T. D. Sullivan wrote the poem with the refrain uttered from the dock, "God Save Ireland!" and whenever in any part of the globe there is now an assembly of Irishmen, social or political—a concert in Dublin, a convention in Chicago, or a parliamentary dinner in London—the proceedings regularly close with the singing of "God Save Ireland!"

THE IRISH "MARSEILLAISE."

High upon the gallows tree
Swung the noble-hearted three,
By the vengeful tyrant stricken in their bloom;
But they met him, face to face,
With the courage of their race,
And they went with souls undaunted to their doom.

"God save Ireland," said the heroes,
"God save Ireland," said they all;
"Whether on the scaffold high,
Or the battlefield we die,
Oh, what matter, when for Erin dear we fall!"

Girt around with cruel foes,
Still their courage proudly rose,
For they thought of hearts that loved them, far and near;
Of the millions true and brave,
O'er the ocean's swelling wave,
And the friends in holy Ireland ever dear.

Climbed they up the rugged stair,
Rung their voices out in prayer,
Then, with England's fatal cord around them cast,
Close beneath the gallows tree
Kissed like brothers lovingly,
True to home, and faith, and freedom to the last.

Never till the latest day
Shall the memory pass away
Of the gallant lives thus given for our land;
But on the cause must go,
Amidst joy, or weal, or woe,
Till we've made our Isle a nation free and grand.

An amnesty movement for the prisoners in penal servitude was begun, which soon gathered great force. There was a parliamentary vacancy in the County Tipperary. Denis Heron sought election as a Liberal. The people put up against him O'Donovan Rossa, whose magnificent resistance to the petty tyrannies of his jailers had fired his friends with an enthusiasm

which soon carried him triumphantly to the top of the poll. The Government declared him disqualified as a felon.

It is a curious fact that it was the execution of Allen, Larkin and O'Brien, and the exacerbated feelings provoked by it, that determined Charles Stewart Parnell to go into the service of his country.

At the close of the American war a great many Irish officers who had fought in the Union Army found themselves ready for any adventure which would come. It was out of this material that the raid on Canada was made up, which was a complete failure, as everybody will remember, much of its ill luck being no doubt due to "Major Le Caron," the English spy, who was one of the Council of War.

About this man "Le Caron," or Beach, there will be a good deal to be said later on, but it will be found curious and interesting to introduce at this point his account of the origin of the Clan-na-Gael, furnished in his own handwriting to the *London Times*, and by it printed on May 13, 1887:

"The Fenian Brotherhood (or F. B.) was established in America to subsidize and aid the Irish association founded by James Stephens under the title of the Irish Revolutionary Brotherhood (or I. R. B.) The secret history of these two societies would disillusionize all who place a high estimate upon what they are pleased to call the Irish National movement. It is sufficient here to remark that, as the utter hollowness of the Irish conspiracy was exposed by the outbreak of 1867, so the contemptible failure of the Fenian raid on Canada in 1870 decided a number of the principal conspirators in America to separate themselves from the discredited F. B., and to form a new association. These men met in Philadelphia, and there held the first convention of the organization publicly known as the Clan-na-Gael, but more properly called the United Brotherhood. A very transparent cipher was adopted—namely, moving on the alphabet one letter The U. B. thus became the V. C., which was for many years the

secret name of the society; the Executive Bureau, as the governing body was termed, became the F. C.; the I. R. B. is mentioned in their reports as the J. S. C., and Ireland is always Jsfmboe.

"This society, unlike the F. B. which it superseded, was from its inception secret and oathbound, and its objects are thus set forth in the official printed 'Constitution': —'The object is to aid the Jshti people in the attainment of the complete and absolute independence of Jsfmboe by the overthrow of Csjujti domination; a total separation from that country, and the complete severance of all political connection with it; the establishment of an independent Republic on Jshti soil, chosen by the free votes of the whole Jshti people, without distinction of creed or class; and the restoration to all Jshtinfo of every creed and class of their natural privileges of citizenship and equal rights. It shall prepare unceasingly for an armed insurrection in Jsfmboe.' Csjujti is, of course, the cipher word for British, and Jshti for Irish.

"The Ninth Convention of the V. C., above referred to, was held at Wilkesbarre, Penn., on Aug. 8, 1879. 'Mr. Jones,' the envoy, was no other than John Devoy, the well-known Fenian leader. There were good reasons for keeping back his report. It is a lengthy and prolix document, giving an account of his movements during a seven months' visit to Europe, and containing statistics of the home conspiracy, which he found to be in a state of utter disorganization. He had been in close and constant communication with the council and officers of the I. R. B., and had also conferred with leading Nationalists unconnected with the society. But for our present purpose two statements in his report alone claim special notice. In the first he called serious attention to the fact that the I. R. B. was taking a position of hostility to the Home Rule movement, then becoming prominent; and in the second he deplored the impossibility of keeping the farmers in the ranks of the organization, although in prosperous times they were willing enough to pay for firearms.

"Thus Devoy was cautiously endeavoring to prepare the V. C. for that change of front which has since been known as the New Departure. To state his scheme in his own words, in a letter to the *Freeman's Journal*, he desired that 'a common basis of political action might be arrived at between several sections of the Irish people, then separated by strong differences of opinion, but having many objects in common.' Such language, coming from another quarter, would be reasonable and harmless, but in the mouth of John Devoy, the 'envoy' of the American Fenians to the conspirators at home, its meaning is clear. It was an appeal to the Revolutionists and Dynamiters to stand upon a common platform with land reformers and Home Rulers.

"The apostle of the New Departure was Devoy, but Michael Davitt was its prophet. His release from penal servitude had occurred before the V. C. envoy's arrival in Europe, and, grasping the situation at once, he took the lead in the agrarian agitation of 1879. In November of that year, three months after the Wilkesbarre Convention, he founded the Land League; and on Jan. 1, 1880, Mr. Parnell landed in New York to seek American support for the new movement. The V. C. leaders received him with open arms, promoted meetings for him throughout the States, and prominently identified themselves with him on every platform.

"In America the New Departure was triumphant, but the Fenians at home were too dull to appreciate such a policy, and the Land League was constantly exposed to the open hostility of a section of the I. R. B. On one occasion even Mr. Parnell himself suffered rough treatment at their hands. On June 18, therefore, John Devoy addressed to the *Freeman's Journal* the letter already quoted. It was but the renewal of an appeal he had made eighteen months before in the columns of the same paper."

This is an enemy's account of the truth of the Clan-na-Gael, but it is, on the whole, near the facts.

One's appreciation of the good or evil in the great movement depends a great deal on one's point of view, and this is not the place to discuss the ethics of the great conspiracy. These are the results:

Twenty-nine Irish revolutionists have been sent from America into English prisons in the last eight years. In almost every instance it is known for a fact certain that these victims were betrayed to the Government against which their attack was to be delivered before they had left the vessel which carried them over. The centers of English information have been in Chicago and New York, but particularly Chicago. In every instance Scotland Yard was apprised of the name and description of the dynamitard long before it was possible that harm could be done, and the half success, from a criminal point of view, of some of the explosions was due, not to a lack of espionage and treason on this side of the water, but to the stupidity of the British police. Le Caron's evidence before the Parnell Commission shows how thoroughly the work was done; and Le Caron was not the most valuable spy in the English service. But two men are known to have completely baffled the detectives, and before the story of the prisoners now in jail is told something may be said of their adventures.

P. J. Tynan, the No. 1 of the Phoenix Park assassination, when Lord Frederick Cavendish and Mr. Burke were "removed," is still being sought for all over the world. He disappeared like a political Tascott, and left not a trace behind. It was months before even a photograph of him could be found, so thoroughly had he taken all sorts of precautions, and when the picture was discovered it is said the British Government was forced to pay £1,000 for it. Tynan was a remarkable man. He was a leader of the secret societies in Ireland, a cool and desperate man, whose honesty was admitted, but whose fanaticism in the Irish cause would carry him to any length. Before the Phoenix Park outrage he had already been concerned in wild work in Kerry and York. Nobody knew much about him, not even his associates. He was a

heavy-set man, rather large-faced, with kindly blue eyes, and a great, bushy beard. He was supposed to have served in the French army, and he spoke French better than English. Some months ago the last man that saw Tynan in Dublin told the writer the following story of his escape:

"It was after the murder in the park, but before Carey had turned approver, that I met Tynan on D'Olier Street, not far from the bank. We chatted for a minute, when one of the castle detectives sauntered up and said significantly, 'The American mail is in. Have you any idea when the Holyhead boat leaves?' Tynan turned pale, almost staggered, and walked rapidly away. He was never seen since. That night the police were turning Dublin upside down hunting him, and they have been searching for him ever since. He is probably living quietly in France, although it is said he was seen and spoken to by an old friend in London not more than a month ago."

The other successful fugitive is James Moorhead, better known by the *nom de dynamite* of Thomas J. Mooney. Moorhead with one Terence McDermott managed the explosion at the local Government Board offices at Whitehall, in London, March 15, 1883. He is supposed to have had a hand in the Glasgow outrages which occurred six weeks earlier. Moorhead's own story, or what purported to be his story, was printed in the American papers last December. He said that he was sent over by the secret societies on this side for dynamite work, and furnished with money and letters of introduction to the evangelists of destruction on the other side of the water. He went to Glasgow and put himself into communication with J. F. Kearney, who controlled the dynamite arsenal. By this man he was provided with large amounts of nitro-glycerine, and after, as he facetiously remarked, touching off the Glasgow Gas Works, he went to London and blew up the Government Board offices, tried to blow up the *Times*, and was prevented by the vigilance of the police from attacking the Parliament palace. He coolly read the

papers describing him and offering a reward for his arrest, and in his own good time went to Liverpool, took ship, and came home, the last person he shook hands with being a detective on the tender at Liverpool. Moorhead, or Mooney, is now said to be living at 1210 First Avenue, New York.

There is no such doubt about the addresses of the other and less lucky dynamitards. The list, as given officially, is as follows:

DATE OF SENTENCE.	NAME.	CRIME.	Sentence.
1881. May.....	{ James McGrath. James McKevitt. }	Attempt to blow up Liverpool Town Hall.	Life. 20 yrs.
1882. Jan. 31.....	John Tobin.	Illegal possession of nitro-glycerine.	7 yrs.
July 31.....	Thomas Walsh.	Illegal possession of nitro-glycerine.	7 yrs.
1883. May 28.....	{ Thomas Gallagher. A. G. Whitehead. H. H. Wilson. John Curtin. }	Illegal man'f're of nitro-glycerine at Birmingham and transfer of it to London.	Life. Life. Life. Life.
July.....	{ William Tansey. Pat Naughton. Pat Rogerson. James Kelly. }	Explosion at Weston House in Galway.	14 yrs. 8 yrs. 12 yrs. 2 yrs.
July 30.....	{ Timo'y Featherstone. Dennis Deasey. Pat Flanigan. Henry Dalton. }	Illegal possession of infernal machines.	Life. Life. Life. Life.

DATE OF SENTENCE.	NAME.	CRIME.	Sentence.
Dec. 1.....	{ James McCullough. Thomas Dewannev. Peter Callahan. Henry McCann. Terence McDermott Dennis Casey. Pat McCabe. James Kelly. James Donnelly. Patrick Drum. }	{ Outrages at Glasgow in Jan- uary, 1883. }	{ Life. Life. Life. Life. Life. 7 yrs. 7 yrs. 7 yrs. 7 yrs. 7 yrs. }
1884.	{ John Daly. }	{ Illegal posses- }	{ Life. }
July 29.....	{ J. F. Egan. }	{ sion of infernal machines. }	{ 20 yrs. }
1885.		Explosion at	
March.....	Patrick Levy.	Mill street bar- racks.	1 yr. H. L.
May 18.....	{ J. G. Cunningham. H. Burton. }	{ Explosion at Tower of Lon don, etc. }	{ Life. Life. }
Nov. 18.....	J. Wallace, alias Duff.	Murder at oli- hull.	20 yrs.

This makes thirty-two men imprisoned for dynamite outrages, for the conviction of Wallace for the Solihull murder was only brought about by his arrest in one of the criminal conspiracies. The Solihull murder was a Fenian "removal." Of these thirty-two, two died, and one, Patrick Drum, was released immediately after conviction, leaving twenty-nine persons sent to jail to serve out sentences for their share in the murder plot. Some of these sentences have been already ended, but there are still in British jails twenty-two men under punishment for the conspiracy, and it is a curious fact that none of these men have been permitted to earn good time or get the indulgence granted to other convicts, if the stories told by their friends be true.

Of the dynamitards two are dead. These are Capt. Mackay Lomasney and Peter Malone, although there is much doubt about the name of this latter. They were killed in the abortive explosion at London Bridge about a quarter to six o'clock the evening of Dec. 13, 1884. Neither of the bodies was ever found, and it is supposed that the men and boat were so torn to pieces that nothing but human and other wreckage remained after the premature explosion of the cartridges. Lomasney's widow still lives in Detroit, and it will be remembered that it was the failure to provide properly for her that was one of Dr. Cronin's charges against the Triangle.

As to "Malone," if that be his name, nothing is definitely known save that he had been associated for some time with Lomasney, and that the two, going under the name of Marshall, had rented a little shop on the Harrow Road, where some weeks later a lot of nitro-glycerine was found.

The record of the outrages is soon given. It runs as follows :

RECORD OF THE EXPLOSIONS.

1881.

May 16—Dynamite attack on the police barracks at Liverpool.

June 10—Attempt to blow up Liverpool Town Hall.

June 14—Explosion at Loanhead in Edinburgh.

June 30—Six infernal machines found in cement barrels on the "Malta" at Liverpool. American made.

July 2—Two infernal machines of like character and origin found on board the "Bavaria" at Liverpool.

September—Explosion at the police barracks at Castlebar, Ireland.

1882.

March 26—Explosion at Weston House, Galway.

March 27—Explosion at Letterkenny.

April 2—Attack on police barracks at Limerick.

May 12—Attempt to blow up the Mansion House, London.

1883.

January 21—Glasgow outrages at Possil Bridge, Buchanan Street Station, and the gas-works.

March 15—Explosion at local Government Board offices and attempt to blow up the London *Times* office.

April—An infernal machine found at Liverpool. Seizure of a nitro-glycerine factory at Birmingham, conducted by Featherstone and others.

October 30—Outrages on the Metropolitan Railway in London.

November—Two infernal machines found at Westminster.

1884.

January—Dynamite found in Primrose Hill Tunnel.

February 25—Explosion at cloak-room of London, Brighton & S. W. Railway.

February 27, 28, and March 1—Infernal machines found in valises in different London railway stations.

April—John Daly captured at Birkenhead with bombs in his possession.

May 30—Explosions at Junior Carlton Club, Sir Watkin Wynn's house and Scotland Yard. Infernal machine found in Trafalgar Square.

November 28—Attempt to burn up Edinburn house, the residence of Mr. Hussey.

December 12—Attempt to blow up London Bridge.

1885.

January 2—Explosion in Gower Street tunnel.

January 25—Explosions at the Tower of London, Westminster Hall and the House of Commons.

February—Nitro-glycerine found at a deserted shop on Harrow Road.

March—Explosion at Bootle.

This closes the official record as given in Col. Majendie's reports, but dynamite activity did not stop with the official records. The last attempt was made in the jubilee year, 1887, and was only foiled by the death of one of the conspirators, who went under the un-Irish name of Joseph Cohen. An inquest was held upon his remains, and the fact was developed, chiefly through the voluntary statements of the detectives who had been

for some time watching the deceased, that he was a dynamiter who was plotting a jubilee explosion. Two other men, Thomas Callan and Michael Hawkins, were arrested as co-conspirators with the dead. All the original information had come, it is now known, from Le Caron, in Chicago.

The official statement made by the authorities in Scotland Yard is thus briefed by the *Pall Mall Gazette* of Oct. 28, 1887:

"Disclosures respecting what purports to be a Fenian conspiracy to commit outrages in this country during the time of the jubilee celebrations, were yesterday furnished by the Assistant Commissioner of the Metropolitan Police. It is said that the head of the dynamite gang, whose operations began this spring, was Gen. Miller, whose antecedents in Fenian matters as a member of the Clan-na-Gael are well known to the police. The man came to London last April with instructions to 'bring off an outrage at the time of the jubilee.' He resided at Paris and Boulogne, but never set foot on English soil, or he would have been arrested; but before the jubilee festivities Scotland Yard paralyzed the man's observations by sending a police officer to him at Boulogne and warning him that his plot was known. Then the General returned from Boulogne to Paris, where he remained until a few days ago and then left for America, traveling *via* Brussels and Rotterdam and Amsterdam, whence he sailed within two days after the death of Cohen, on board the steamer 'Edam,' with his wife and daughter. This steamer reached New York in a few days.

"Then the man Melville came to London as an agent of Miller, and took modest lodgings, but at the time he was deficient in funds. The police, however, watched him closely, and found that on two occasions he called on Mr. Joseph Nolan, M. P., at the House of Commons. He had for his companion the man Hawkins, and both of them were seen in company with the dead man Cohen, upon whom an inquest was held Wednesday. The police suspicions of Melville's business were entirely confirmed. His assertion that he represented Mr. Phillips of Philadelphia proved entirely false. Afterward Melville went to Paris, and there met a man named Dennehy, who, with a man named Maloney, sailed for America, Aug. 17. Dennehy is a member of the Clan-na-Gael, and his address is known to the police.

"Melville then returned to London and staid at the Hotel Metropole with a Miss Kennedy of Boston, with whom he traveled throughout Ireland and afterwards to Paris, where he called upon Gen. Miller at the Hotel du Palais, and was also seen in a cab with a man remarkably like the deceased man Cohen, who was absent from his lodgings about five weeks ago. He sailed for America from Havre, Sept. 17, and on reaching New York his companion, Miss Kennedy, was arrested for smuggling a large quantity of valuable goods. Melville's real employer is a Mr. Burchall, of Philadelphia; and Burchall is also connected with other members of the secret society. Melville's hurried departure upset the plans of the Clan-na-Gael, and closely following this Cohen died. Hawkins has admitted that he called at the House of Commons with Melville, and that he had written for money to Burchall. Melville's address in America is known to the police."

Callan and Hawkins were both convicted of illegal possession of high explosives, and sentenced to short terms. Melville has never been heard of since, but it is believed that he is now living in Chicago, and only a few weeks before the Cronin murder there was an attempt made to locate him on the North Side.

Many of the men whose names occur in the roll given above are well known in Chicago. The most interesting character is that of Dr. Daly, who was found with bombs in his possession, at Birkenhead. Dr. Daly had been a Fenian and a secret society man nearly all of his life. He enjoyed a good practice in New York, but he threw it all away to carry on the dynamite war in England. He had determined, it is said, to risk no life but his own, and to deliver his attack right into the House of Commons, upon some occasion when the men whom he regarded as the deadliest enemies of Ireland were at work. Like nearly every other man who went into the work, he was betrayed. The police watched him quietly but closely for more than three months, waiting for him to involve some other men in his own ruin, before they arrested him. This he did, for J. F. Egan would not to-day be in jail had it not been for his intimacy with Daly. When Daly had all his preparations completed to startle the world by a

tragedy in Parliament, he was quietly taken in hand by the police. Upon his person were found three bombs of most ingenious manufacture, and the result was penal servitude.

J. F. Egan was also a New Yorker who had returned to live in the old country. The case against him would have entirely failed, had it not been that some children playing, while he was under arrest, in the yard of the house where he had lived, noticed that the earth near one of the trees was loose. They dug down and discovered a neat tin box, with which they played until they were tired. Then they left it, and the police found it. It contained an infernal machine, and a number of most compromising documents. Another physician who is now serving out a sentence of penal servitude is Dr. Gallagher, whose name will be found above in connection with the Birmingham nitro-glycerine factory. He lived at Green Point, Long Island, where his family still are in comfortable circumstances. Rossa recommended a man named Lynch to him, whose fare across the ocean he paid, and whom he took thoroughly into his confidence. Lynch promptly informed the police, and at the right time Gallagher and his other associates were pounced upon, the explosive-factory was seized and the factors punished. Lynch appeared in the box against them.

The one case where there does not seem to have been any long contemplated and carefully arranged treachery is that of the arrest of Cunningham and Burton for the explosion of the Tower of London. In this case the police were not warned beforehand, but somebody had the presence of mind to shut the gates on the panic-stricken mob which was pouring out of the Tower after the bomb was fired, thus holding everybody prisoners. The police took down the names and addresses of every one, holding those about whom they had the least doubt. Cunningham, unfortunately for himself, gave a false address, and a searching examination of his record soon proved his guilt and connected his partner Burton with the crime.

With few exceptions, the men named in the list above are either American citizens or for a time residents in this country. The dynamite used, save in two explosions, was American; the infernal machines, when they could be identified, were of American manufacture, usually made out of parts of American clocks, and the evidence upon which conviction was brought also originated here.



CHAPTER V.

Scotland Yard and the Clan-na-Gael— "A Roland for an Oliver"
—How Detectives Detect—Information at Market Rates—
Capturing a Police Cipher—Rival Cryptologists—Bogus
Outrages—Spies in America—Their Probable Number and
Pay—Humbugging an Ambassador—Col. Majendie and his
Men—A Visit to the Secret Service—The "Inner Circle" at
Scotland Yard—The Phantom of Dynamite—Trailing a
Suspect—The Jubilee Illumination.

A LITTLE grimy archway on the left-hand side as you walk from Trafalgar Square toward the abbey on the street that governs England is the entrance to Scotland Yard. Against the pillars lean evermore two or three indifferently dressed men whose function it is to eye the passing public suspiciously. If the gaudy horse-guards somewhat farther down Whitehall remind you of gay right-bowers, these gentlemen will recall the humble necessary seven and eight spots of the game of government. They are the English detectives of whom everybody has heard so much in recent years. The specimens on view are not striking. They look well fed and comfortable, but they are hardly the sort of men that a student of Wilkie Collins or Gaboriau would expect. Their failures in crimes which rise above larceny, burglary and vulgar murder are more easily understood when the system and the men are studied.

Like everything in the neighborhood of Westminster, Scotland Yard has its traditions reaching back to the days of the Plantagenets; but from a royal residence and a king's prison it has come now to be the local habitation and name of the Secret Service of the English Crown. There is a criminal museum to be seen here, with mementoes of thieves and murderers of high and low degree; an ordinary police station; and last of all, the offices of the "Criminal Investigation Department." A group of dingy

old houses surround the courtyard, all of them built on different levels and in different times, with modern passages cut through. So that the sight-seer is always going up or down two or three steps or losing himself in blind hallways that lead nowhere, or coming unexpectedly back to where he started from. The stone stairway leading to the upper offices has been channeled in the center by a flood of four centuries of passing shoes, so that it is worn away almost to an inclined plane instead of a flight of staccato steps. Over everything, in everything, and through everything there are grime and gloom. The little windows are smoky; fog lies in the courtyard, and even the diffused daylight by which the Londoner distinguishes night from day is more vaporous and unsatisfactory here than elsewhere.

The visitor is shown the lions most politely. Whatever other criticism may apply, it is certain that the London police, from highest to lowest, are courteous and helpful to the stranger within their gates. They take all manner of trouble to exhibit and to explain everything, from the infernal machine with which the Nelson monument was to have been blown up to the organization of the police force and the general workings of the British Constitution.

Police are police all the world over, and there is not enough difference between England and America to justify a detailed description of how the London "Bobby" comes to his calling and promotion. It is in the secret service alone that the difference begins.

Up to 1877 the London Detective Police was a close corporation, irresponsible and independent, managed entirely from within. In that year occurred the "great detective scandal," in which three members of the force were proven beyond all doubt to be in regular partnership with an organized gang of swindlers. The usual remedy for all the ills that civilization is heir to was applied — a royal commission, namely — and the present system is the outcome of the work done then by Mr. Howard Vincent.

Plain-clothes men were first put on the force in 1842. They were formerly attached to each station. Now they are under the central control. There are four hundred in summer time and seven hundred in winter, the ranks being filled from the uniformed force. Still, these do not make the body which is usually referred to as Scotland Yard. These are a chosen corps of about eighty men, of whom each has the rank of Inspector—about equivalent to a Lieutenant of Chicago police. They form a division by themselves called the "C. O." and are under the immediate command of the Assistant Commissioner of Police of the Home Office. Their general duty is confined to the metropolitan area, but they are constantly at work on investigations for the Government and for foreign governments. About twenty of the men are employed on political matters solely, and of these ten have made a specialty of Irish affairs both in Ireland and America. The political detectives have the best of it. They are intrusted with the spending of the secret service moneys, and much of it of course is expended without vouchers or accounts. Sometimes they receive handsome presents from foreign governments. One London detective was given £2,000 in 1886 for information furnished the Russian Minister which is said to have saved the Czar's life. The secret service fund is a large one. Indeed it is as large as the Home Office may at any time demand. In the years 1881-'82-'83-'84-'85, when dynamite activity was at its worst, bills for "information" reaching £5,000 were on several occasions paid, according to the statements of the officers themselves. Smaller sums, from £100 to £600, are paid out freely to smaller informers.

"It is a case of fighting the devil with fire," said Detective H. Dutton, one of the Scotland Yard men now stationed in Dublin, to the writer while in that city last winter. "We must get this information, and there is only one way to get it—and that is to buy it. As long as these Irish secret societies keep up their work there is danger to life and property, and the money paid

out is only so much insurance which the Government can well afford to give for comparative security."

"Isn't it rather expensive?" I asked him.

"No. The amounts paid out are grossly exaggerated. I could buy any information I wanted about Dublin for a £20 note. That is a heap of money in a poor country and among a poor people. You see, to do anything among these Fenians and dynamiters they must take a lot of men into the secret. Now, if twenty men know a thing, there are two or more of them who will be willing to sell it. Of course, we get swindled right along; but I'd sooner be swindled ten times than miss one important disclosure. There never are big sums paid out except in exceptional cases. A five-pound note will go a long ways. Of course, if we have to uncover a man and put him on the witness stand, then we have to send him away somewhere and take care of him afterwards—that is only fair. If we didn't we would find it hard ever to get any man to go into the box. Even that is not much. A couple of hundred pounds is ample."

"How about those big amounts that are said to be paid out?"

"I never knew of anything of the kind in Ireland. If there are any big payments they have gone to America or Russia. I believe a man could keep his finger on the pulse of Irish conspiracy here in Dublin and not spend £3,000 in his natural life. Of course state secrets and military information cost heavily—and from what I have heard about your American informers, they come higher than ours here in Ireland."

This difference in the prices of information between the old country and America is corroborated by Mr. Robert Pinkerton, who in chatting with the writer on the subject said: "It is all nonsense talking about the large sums which are said to have been paid out by Scotland Yard. Some eight or nine years ago I was over there on business, and I had to get a statement from a crooked source. I expected to have to pay about £100 for

what I wanted — that is what it would cost me here, and I asked the Inspector if that would be about right. He stared at me in horror and threw up his hands, saying: 'My God, man! You'll spoil every thief in England — £10 is more than enough — it will be liberal.' Of course they can't buy what they want in this country for such figures, but they do not pay much over there."

The pay of the Scotland Yard men proper averages £23, or about \$115, a month — a large salary for London, where five shillings a day is considered fair wages and expert clerks and salesmen are glad to get £10 a month. Besides the salary there is always a liberal traveling allowance, and all expenses incurred in the line of duty are paid without question. Vouchers are seldom asked for, nor even itemized accounts. Sometimes these expense bills are heavy, especially when there are ocean voyages to be made. The ordinary traveling expenditure is about £2 a day.

As the secret service is largely political, one function of Scotland Yard is the foreign correspondence, which is carried on invariably in the language of the country to or from which the letters are directed. As England's relations cover the whole world, this part of the work is exceedingly interesting. Polyglot translators, who know every tongue under the sun, are constantly at work turning Russian, Hindustani, Persian and Chinese into police English, and vice versa. There are also employed expert cryptologists who are supposed to be able to unravel the blindest of ciphers; and it is a fact that the aid of the English experts has been more than once called in by both Russia and Germany in this work. The cipher used by Scotland Yard itself is the old movable key-word, the key generally being the name of the place to which the message is sent.

In 1883 a mail-bag belonging to the British Embassy was captured and a number of cipher messages taken, some of which were afterward printed in *Le Figaro* in Paris and copied into

Irish and English papers. One of these cryptograms — to show the system — was as follows:

“Aaf — a — lmt p — esghc — boa — ilaon — aiaadma — whsoop — euwt — bwpe — stiwdye — hinpfæel — p — stoqrsp — ngu — baed — pnhaet — xp — astkrat — 7500 — mslu ?”

It is altogether probable that the words in this steganograph have been divided wrongly, and those who have put in some time upon the unriddling of the letter believe that the letter “a” is a non-significant, which has been used only for the purpose of confusing the improper inquirer.

The common police cipher used between the central office and the lower grade of officers, constables and the like in England and Ireland is simplicity itself. It consists in a simple transposition of letters — for instance, “h” for “k” and “k” for “h,” and so through the alphabet. This code is changed the first of each month, and a new key sent out from the central offices in London and Dublin. Almost as soon as it is issued it falls into the hands of the National League people, who also have their decipherers, and, for any security the cipher gives after the third or fourth of the month, police messages might as well be written in ordinary English.

In ‘cabling a code cipher is used, which, of course, defies unravelment. A specimen of this steganograph received in New York last winter runs thus:

“Able — desert — ocean — Chicago — manly — revolution — silver — Ireland — pretense.”

All that is known about this dispatch is that it certainly came from Scotland Yard to an English detective in New York, and that it preceded by a few weeks Le Caron’s departure for London.

Most of the English detective work in America is done through the Pinkertons; but there are always three or four Scotland Yard men in the country watching the “dynamite” societies, so called, and looking after their Irish friends in different parts of

the country. These men are chosen with great care, and have privileges and pay beyond their fellows. One of them who was stationed in New York last year is said to have been paid \$5,000 a year and expenses. How thoroughly the preventive work in America has been done is proven by the fact that not one dynamite outrage was planned or executed without information more or less full being cabled beforehand to Scotland Yard. In some cases shadows have accompanied the dynamitards from the quay in New York to the jail door in England, as was the case with Dr. Gallagher. Through the same agency explosives and infernal machines have been found in spite of the most ingenious concealment; and, indeed, so nearly omniscient has Scotland Yard been that many Irishmen believe that the detectives themselves have provided their own work and furnished their own dynamite.

Like many other detectives, Scotland Yard men will not hesitate to create evidence, if the testimony is not otherwise to be had. This was certainly done to secure the conviction of Dr. Gallagher, mentioned above.

In the prosecution of Dr. Gallagher, accused of complicity in one of the dynamite outrages, one William J. Norman was in the hands of the police. His *alias* was "Lynch." He either was a paid spy from the first, as many believe, or he offered to inform upon the Doctor immediately upon his arrest. However this may be, he certainly swore upon the stand a series of perjuries as to his connection with the Fenian society in America which Scotland officers present in court knew to be lies, and which they informed their superiors were lies; but upon this evidence Gallagher was convicted.

The very moment Inspector Langrish arrested Lynch he started with a lie. Inspector Langrish's testimony at the first examination will prove this. He swore that Lynch, at the station, said: "Mr. Fletcher (that is, Dr. Gallagher) employed me to go to Birmingham to get the box, and Mr. Fletcher met me at the station." The latter statement was utterly untrue. Lynch was

followed from Whiteheads, in Birmingham, to Gaston, in London, by four or five detectives, who were met at Gaston by Inspector Langrish and three others. Lynch got into a cab with his baggage and was followed to his lodgings. Dr. Gallagher, *alias* Fletcher, did not meet him. Nobody met him; if they had they would have been followed, and at that time Dr. Gallagher's existence was unknown.

It was a statement such as the police wanted. They knew it was untrue; they saw the weak point of Lynch and they traded on it.

On the next day, the 11th, Inspector Langrish saw him. The result was not perfectly satisfactory. Lynch would not go far enough; his knowledge of Irish societies in New York was very weak, and his description of the working of one of them would not hold water. Kirton, the Scotland Yard man, till then relied upon, evidently was not doing his work satisfactorily. A change must be made; a stronger man than Kirton must work up Lynch. The authorities were in a dilemma; a hasty consultation was held. The next day the prisoners were to be brought up before the magistrate again. The *expose* made by the *Times* was openly canvassed; in fact, the situation was alarming. However, they were equal to the occasion. Kirton's services were dispensed with, a telegram was sent to Ireland, and the celebrated Jim McDermott—"Red Jim"—was sent for to take Lynch in hand, with what success we will shortly see. A semi-official notice appeared in the newspaper that Lynch would certainly be prosecuted, but that Ainsburgh would in all probability turn approver and appear in the witness-box for the Crown. The 12th of April arrived, and all the persons except Kirton went before the magistrate. For the first time Mr. Poland, the Crown Prosecutor, appears on the scene. He addresses the magistrate on the whole case. Well knowing that Lynch is in the clutches of the Crown; well knowing how Kirton has, to a certain extent, failed; well knowing how Lynch has written to Inspector Langrish, and fur-

ther well knowing that Lynch was a liar, he, with characteristic audacity, and in order to pave the way for Lynch's evidence and lies, in addressing the court on the whole case, stated that he (counsel) "would not comment on the falsehoods told by Norman (*alias* Lynch) as to the possession of the bag." You were first, Mr. Poland, to brand your own witness as a liar; you were right—he lied from beginning to end.

On the same occasion Mr. Poland intimated that possibly the charge would be changed under the Treason Felony act. Very cautious and very proper. In other words, if Jim McDermott succeeded in his mission, then the prisoners would be sentenced for life instead of two years. He did succeed. The result is known.

On the 14th of April Lynch wrote to Inspector Langrish the following letter:

"MILLBANK, April 14.

"MR. LANGRISH: Come and see me at once. Come alone.

"Respectfully,

"W. J. NORMAN."

Success. The work was done. Lynch had been initiated into all the mysteries of the Fenian Brotherhood, and was an ardent supporter of the Irish Republic. Well, he is not the first brother that has been initiated in Her Majesty's jails, and if things go on as they are he is not likely to be the last.

"Come alone." What does it mean? Simply this: On the previous visit of Inspector Langrish he brought Chief Supt. Williamson with him. This was not agreeable to Lynch; he had for the last few days been in able hands and was desirous that he should have a private rehearsal before he appeared before the public. Besides Supt. Williamson is a man who has a nasty way of looking at a witness; but Langrish, God bless you, a child could play with him.

The request was granted. Langrish did come alone. A long interview took place. The piece was rehearsed with very

fair success; only one party had now to be satisfied—namely, the Solicitor to the Treasury. He was communicated with by the police authorities, and on the 6th a Mr. Pullard, from the Treasury, saw Mr. Lynch. The result was that Lynch made a written statement; that he was promised protection and safe conduct to a foreign country after the trial, together with sufficient means to start in business; that he agreed to appear in the witness-box on the 19th for the Crown—which he did, and Jim McDermott was sent back to Ireland with a handsome fee for the great service he rendered to the cause of law and order.

It was well known that Lynch was not to be trusted, and, although the above terms were made with him, the grip was not relaxed, for when he appeared on the 19th, and gave his evidence, he, too, was committed for trial, not for the treason felony, but for a misdemeanor—in other words, he had to behave himself and obey orders.

Nor is this an extraordinary case, but it is one which in some phase will be found associated with every trial for treason felony in which members of the Irish secret societies are concerned.

The Government will go to all lengths to secure convictions of the men it wishes to punish just as it will go to all lengths to shield the men that it desires shall escape punishment.

If the reader can believe this a statement born of partisan bigotry, I can only refer him to the exposures which are now rending “respectable” London in twain, where all the great resources of the “greatest empire of the modern world” are being used to save the heir to the crown, and his worthy associates, Lord Ronald Gower, and the rest of the Marlborough House set, from exposure, their crime being, as all the world knows, the same as that for which Sodom and Gomorrah were destroyed, if Holy Writ is to be believed.

If the real information can be got, Scotland Yard is willing to pay for it at the market rates; under any circumstances

there is always a supply to meet the demand; and if the real article cannot be had the bogus is always forthcoming.

America is always the great source of betrayal. It is a fallow field, and almost any sort of revelations are to be had here if one will only put up money enough. If "outrages" are not frequent enough, even outrages may be had c. o. d.

Quite a number of American spies are known to be engaged in the work of betraying Irish organization to England; but what their names are, or what their work is, is not known. If it were, much of it could easily be stopped.

The Pinkerton Agency is, as I have said, the chief reliance of the English Government, but there are others. Some of the spies are, as Le Caron was, trusted officials in the Clan. And one of the chief reasons for the discontent which can upon every hand be discovered against the Triangle is not its management of the Irish revolutionary finances, but its failure to disembarass itself of this espionage.

It ought to be an easy thing to trap a spy and expose him to the contempt of the people. It does not need a more severe penalty than that. A series of decoy disclosures would be certain to locate the leak, if carefully and wisely applied. It certainly would seem that this has not been done.

Col. Majendie, the Chief Inspector of Explosives, represents another function of the war against dynamite. This specter, and it is nothing more than a specter, as every Irish revolutionist knows, has furnished him with a cause for being, and for traveling at the cost of the British Government. His function is a very simple one: it is merely to declare that the dynamite used in the different outrages is of American manufacture, and the clock work taken out of American clocks.

Both Majendie and Scotland Yard were greatly exercised over the jubilee illumination, so-called—an episode so illustrative of British method and British panics that it merits telling.

The "jubilee illumination" was declared to be a series of

dynamite outrages which the American Irish were preparing as a cynic and cruel protest against the general joy in Victoria's fifty years of sovereignty. It had absolutely no foundation in fact whatever. There was not one iota of reality to substantiate the fright, but the dove-cote at Scotland Yard was fluttered, and detectives absolutely worked over the whole of America and France to find a foundation for their blood-curdling romances.

It is estimated that the scare, which was a scare pure and simple and nothing else, cost the English Government £14,000, or \$70,000.



CHAPTER VI.

How the Clan-na-Gael Began—The Oath and the Ritual—An Organization Modeled on the Catholic Church—"Who Comes Here?"—Strength of the Order—Its Finances—The Class of Members—Is There an "Inner Circle"?—The I. R. B. in France—Hunting for the Paris Headquarters—The Reorganization—The Triangle and the Leaders—Work with the Diplomats—"Where England Has an Enemy, We Have a Friend"—Negotiation with Russia—Help for the Mahdi—"Our Allies in South Africa"—Dhuleep Singh and the Indian Revolt.

IT has been stated that the Fenian fiasco disgusted the more serious revolutionists with that society, and they accordingly looked about them for something which would be a better vehicle for the delivery of the attack which they desired should be made upon England.

It was of these dissatisfied Fenians that the Clan-na-Gael was born.

The words Clan-na-Gael mean the "descendants," or the "family" of "Gael"—the Irish. Its closest rendering in English would be the "Irish Kinfolk."

So thoroughly have its secrets been told by Le Caron to the Parnell Commission, and by various people during the Cronin excitement in Chicago, that there is no breach of confidence in repeating here what has been again and again published elsewhere.

In the first place, the "Clan-na-Gael" was nothing more than a public name for a society which was privately known as the United Brotherhood. It comprised, and it comprises even in its present deplorably divided condition, the very flower of the Irish race in America. When you meet an Irishman or an Irish-American, or an American-Irishman, who is not ashamed of the race from which he sprung and of the blood in his heart, you may be very sure that, Catholic or not, he is a clansman. It is as much

a matter of course as that his name should have a Celtic extraction.

With such a body of men, numbering thousands upon thousands of the very best exemplars of the Gaelic stock on this side of the Atlantic, the reader may readily understand what the scope and purpose of the society must be.

It certainly does desire the establishment of a republican form of government in Ireland, and it will do what lies in its power to accomplish that end. That done, its work is finished.

Is not the purpose praiseworthy? Is there an American, worthy of the name, who does not share this aspiration of the Clan?

Taking a society made up of all classes of Irish sympathizers for Ireland, men occupying the very highest positions under the Government, men prominent in the law and leading in business, is it possible to imagine them guilty of a cowardly murder? For one, I cannot believe it.

With much that the Triangle has done every Irishman is dissatisfied. It never ought to have been possible for Le Caron to betray its secrets. It never should have been possible for the public mind to connect the idea of Irish revolution with dynamite outrages, in which the lives of non-combatants were risked. I do not—and I believe I have been as close to the core of Irish conspiracy as any outside sympathizer—believe that the Clan-na-Gael had any complicity in the explosions in which the lives of innocent persons were risked.

The army and the navy of Great Britain are fair game; so, too, are the Irish constabulary. The only lives at risk are those of men who are employed and paid as the defenders of English misrule. I am frank to say that I would have no sympathy in any danger they might run; just as, were I taken in an overt act in the fight upon them, I would expect no quarter.

But further than this no honest man may go. Whoever was responsible, for instance, for the explosion at the Tower of Lon-

don, did a dastardly thing, as well as a foolish thing, a thing repudiated with horror by members of the Clan-na-Gael to my personal knowledge, and a crime not to be imputed to that society. We Irish are not making war on women and children. I believe I could guess very closely the responsible parties in the maniacal attempt which Cunningham and Burton made, and my guess would not touch anybody even nominally connected with the Clan-na-Gael, or the United Brotherhood.

The same is true of the other dynamite outrages in which the lives of innocent people were put in peril. For one, I can only say now, as I have openly said again and again, as one in heartfelt sympathy with the most extreme party of the Irish revolution, if I knew of a dynamite plot in which there was menace to the life or limb of any non-combatant, I would denounce it to the English Government at once. Nor am I by any means alone upon this platform. Everybody who knows anything about the revolutionary party knows that it is the only principle upon which gentlemen may take part in the movement.

I can understand the maddened hate of men who, like O'Donovan Rossa and his associates, have felt the cruel and merciless hand of the British Government at their throats, who have been forced to degrading offices, who have been exposed to the petty, but infuriating tyranny of vulgar jailers; but the great body of the people of Irish blood have no sympathy with their mad and unworthy schemes of vengeance, and that is why Rossa stands alone to-day, a discredited man.

The United Brotherhood is one thing, the Fenian Society another; and nobody knows this better than Scotland Yard, although every effort is made to confuse the two in the public mind, and to impute to the one the work of the other.

The Clan-na-Gael, so-called, is an organization numbering in its ranks some 40,000 of the best Irishmen who are to be found in this country. It is an oath-bound secret society, with an open secret—the founding of a republic in Ireland.

The *St. Louis Republic*, in June, 1889, gave the following account of its inner workings, which is said to be in the main correct:

"The real name of the society is not *Clan-na-Gael*, but "*United Brotherhood*." The first branch of the society was formed in Dublin. Afterwards it spread throughout the United States, each branch or section being given a number. It is almost exclusively confined to the larger cities, Philadelphia and Chicago being the headquarters in this country. The membership of the branches or sections is numerically small, particular care being taken as to the character of those admitted. Each member has his individual number, which, as will be seen below, he gives as a password before being admitted to any of the meetings. The candidate for admission takes a solemn oath never to reveal what occurs at the meetings, nor the names of any of the members. He is informed that the brotherhood is composed of Irishmen banded together to free Ireland, the first necessary step for which is secrecy, without which they believe that defeat will cloud their brightest efforts. 'They therefore shall hesitate at no sacrifice to maintain it!'

"The strictest precautions are taken to guard against the admission of any who might seek to enter it for the purpose of betraying the society's secrets. Each candidate is required to swear that he entertains no mental reservations, and that he is not bound by any previous oath to expose anything relative to the order.

"The object of the society is to establish a republican form of government in Ireland, and any member violating his duty is warned that he is deserving of the severest punishment. He is solemnly adjured to keep all secrets as he values his life, and at the hazard of his life. A sword is used in the ceremony of initiation to signify that force alone can accomplish the society's aims."

As important names and the titles of officers are designated by cipher initials, the following key is furnished:

S. G.—stands for Senior Guardian.

J. G.—Junior Guardian.

V. C.—United Brotherhood.

Br'd—Brotherhood.

D. (alone)—Brother; also Company (or Camp).

S.—Senior.

Jsfmboe—Ireland.

Fohmboe—England.

Jsjti—Irish

Jsjtinfo—Irishmen.

P. G.—Past Guardian.

C.—Commander.

P.—Order.

J. S. C.—Irish Revolutionary Brotherhood.

P. S.—Open Sesame.

F. C.—Fenian Brotherhood.

It will be noticed that the simple device of using the alphabetical letter next succeeding the real one is used to afford necessary concealment and protection in case of discovery.

Thus:

Fohmboe—England.

Jsjtinfo—Irishmen.

Jsfmboe—Ireland.

V. C.—U. B.

In the oath the candidate solemnly pledges himself, under penalty of death, "*to keep strictly secret the names and everything connected with this O'e from all not entitled to know such secrets.*"

"It is one of the strongest organizations in the world," the *Republic* continues, "and having for its aim the overthrow of English government in Ireland, by violence pure and simple, it is an organization dealing death to traitorous members, as well as to its enemies."

Members of the brotherhood are expressly forbidden to speak of the society to outsiders, to admit they are members of it, or to refer to others whom they know to be fellow workers.

Without further preface the constitution and by-laws are given:

THE CONSTITUTION.

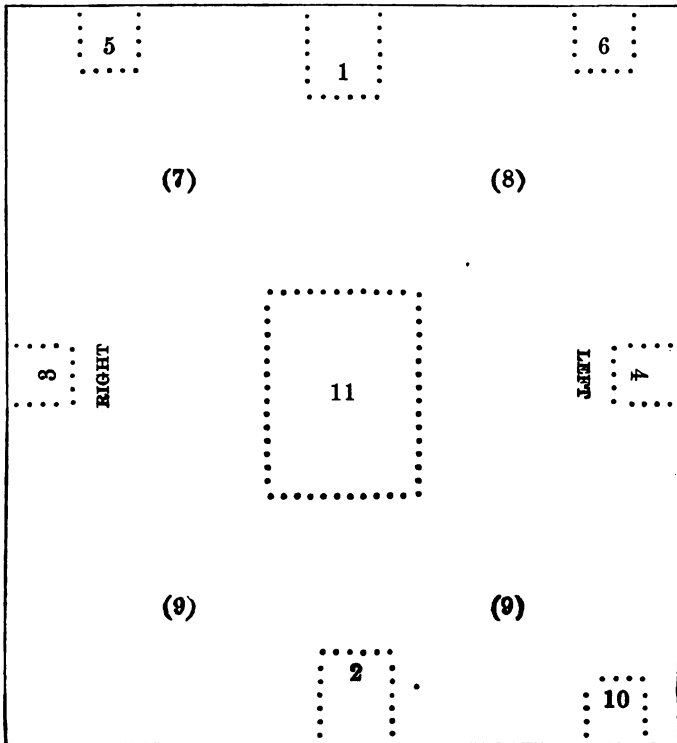
ORGANIC LAW OF THE CLAN-NA-GAEL—THE OATH OF DEATH.

On the first page are the words:

•
 Ritual.
 Declaration of Principles.

On the next page occurs the following diagram:

DIAGRAM SHOWING POSITION OF OFFICERS.



- "1. S. G.—Green and Yellow Badge, White Pendants.
- "2. J. G.—Green and White Badge, Yellow Pendants.
- "3. P. G.—Blue Badge, Yellow, Green and White Pendants.
- "4. Treasurer—Green Badge, Yellow and White Pendants.
- "5. Rec. Sec.—Green Badge, Yellow and White Pendants.
- "6. Fin. Sec.—Green Badge, Yellow and White Pendants.
- "——Trustees—Green Badge, Yellow and White Pendants.
- "7. C.—Green Badge.
- "8. W.—Green Badge.
- "9 9. Tellers.—Green Badge.
- "10. Sent.—Green Badge.
- "11. Center Table—Draped with a Green, White and Yellow Flag.

OPENING.

"When the S. G. takes his place, S. closes the door, officers assume their positions. Vacancies are filled by appointment of S. G.

"S. G.—(One rap.) 'Warden, examine those present.'

"Warden gives S. G. the P., then takes it from R. S. and then proceeds from the right on his circuit of examination. As W. approaches a member, the latter will rise, extend the right hand to W., and whisper the P. Those found without the P. will be directed by W. to retire to the ante-room. When D. is examined, and all inside are correct, the W. proceeds to center table and reports:

"W.—'S. G., all present are V. C's.'

"S. G.—(Two raps.) 'This D. of the V. C. will come to order. J. G., what are the duties of your position?'

"J. G.—'To assist you in the duties of your office, take charge of the D. in your absence, and observe that none enter this D. except in the proper manner.'

"S. G.—'S., what are your duties?'

"S.—'To carefully guard the approaches to this D.; to allow none but worthy members of the order to enter, and to warn the D. against intrusion or betrayal.'

"S. G.—'Officers and Brothers: Be mindful of the grave responsibilities and duties imposed on each and every one of us, and let not the cause of our country, or the interests of the V. C., suffer through any want of attention, and God will bless our work and make this D. serviceable to the Cause, and honorable to our race.'

"Religious and political discussions are strictly prohibited, as injurious to the interests of the V. C.

ORDER OF BUSINESS.

- "1. Warden's Examination.**
 - "2. Opening.**
 - "3. Reading Minutes of previous Meeting.**
 - "4. Roll Call of Officers.**
 - "5. Initiation.**
 - "6. Reception of Committee Reports on Candidates.**
 - "7. Balloting for Candidates.**
 - "8. Propositions for Membership.**
 - "9. Reports of Committees and Officers. Reading Documents.**
 - "10. Collection of Dues and Fines (always in order).**
 - "11. Unfinished Business.**
 - "12. New Business.**
 - "13. Good of the Order.**
 - "14. Roll Call.**
 - "15. Receipts of the Evening.**
 - "16. Closing.**
- "The W. is the assistant of the S. G. in supervising the order and safety of the D., and when it is necessary to remove a brother from the room, he will do it. In case assistance is necessary, he will detail, quietly, as many brothers to assist him as necessary. The S. G. may remove any of the appointed officers, who constitute his staff, at any time, and appoint others to fill their positions.**

INITIATION.

"Perfect silence must prevail during the initiation. The C., having previously ascertained that candidates are waiting, and having so advised the S. G., the latter shall say:

"C., proceed to the ante-room and interrogate the candidates."

"The C. then retires, and he will ask the candidates the following questions in their proper order:

"C.—'What is your name, age, birthplace, address, occupation?'"

"Replies to these questions shall be noted down and reported to D. and R. S.

"C.—'Do you believe in a Supreme Being? Answer "Yes" or "No."'"

"C.—'Understanding, as you do, that the object of this organization is the freedom of Jsfbmboe, will you take our obligation without mental reservation? Answer "Yes" or "No."'"

"If satisfactory answers are received, C. shall return and report the names, etc., to the S. G., who shall say:

"S. G.—'Prepare the candidates and present them."

"The C. shall then obtain his sword, retire to the ante-room, and blindfold the candidate. He will then give three knocks at the door, as a signal for his associates to retire, one assistant conductor being selected for each candidate, who shall take position on his right. The C. shall direct the march, and shall station himself at the head of the escort. At the entrance door he shall give three knocks with the sword. The door having been opened, the escort shall pass inside, when the door shall be closed. When the escort has advanced three paces, the S. hails the C. abruptly, thus:

"S.—'Halt, who thus intrudes?' (Escort halts.)

"C.—'Friends who desire to unite with us in the Cause of Jsfbmboe.'

"S. (to S. G.)—'Friends of Jshti freedom! shall I permit them to proceed?'

"S. G.—'Advance, friends.'

"C.—'Forward! March!'

"The C. shall lead the escort to the center of the room, and when he has approached to within three paces of the S. G.'s desk, the S. G. shall give one rap, as a signal to halt, the rap to be repeated by the J. G. The C. shall command 'Halt!' The candidate shall be aligned by the assistant conductors, facing the S. G. C. shall strike the desk with the flat of the sword, and report as follows :

C.—'I present to you these friends, who seek fellowship and instruction.'

"The S. G. shall then address the candidates in these words:

"S. G.—'FRIENDS: You are now within these secret walls. We charge you never to make known to any one outside these walls any words you may hear spoken, or any acts that may be performed, or any other matter or thing relative to this C'e, even though you decline at this or any other stage of the proceedings of initiation to become a member; neither must you make known to any person or persons outside these walls the names of any one you may have seen or recognized by his voice. [We have all taken a solemn and binding oath, as members of this C'e, which we require you to take before being admitted to light and membership in our order. It is an oath which does not conflict with the duty we owe to God, to our country, or to our neighbors. Are you willing to take this oath?'

"The candidate or candidates shall answer 'Yes' or 'No.' [Should a negative answer be given, or should the candidate insist on withdrawing at any time during initiation, he shall be required to take a solemn pledge of secrecy in regard to the C'e and its existence.] Should the answer be in the affirmative, the S. G. shall say to the C.:

"'Conduct our friend to the examiner.'

"C., in leading the escort to the chair of the P. G., will act as before the S. G., and report thus:

"Friends for instruction!"

"The P. G. shall then speak as follows:

"You have come within the walls of our C'e, offering yourself (or selves) for affiliation with us. The men who surround you have all taken the obligations of our order, and endeavor to fulfill their duties. These duties must be cheerfully complied with, or not at all undertaken. We are Jshti men, banded together for the purpose of freeing Jsmboc, and elevating the position of the Jshti race. The lamp of the bitter past plainly points out our path, and the first step on the road to Freedom is SECRECY. We believe that, destitute of secrecy, defeat shall again cloud our brightest hopes, and, believing this, we shall hesitate at no sacrifice to maintain it. Be prepared, then, to cast aside with us every thought that may impede the growth of this holy feeling among Jshtimfo, for once a member of the Br'd, you must stand by its watchword of SECRECY, OBEDIENCE and LOVE. With this explanation, are you prepared to take our obligation and perform its duties? "Yes" or "No.""

"The P. G. shall then ask the candidates the following questions:

"P. G.—'Are you bound by any oath, obligation or agreement to expose to any persons or authority, anything you may know or learn relative to this order? Answer "Yes" or "No.""

"If the answer is correct, that is in the negative, the P. G. shall order the C. as follows:

"Conduct our friends to the proper officer for obligation."

"After marching in front of the J. G., the C. shall halt the escort, and give two raps with the sword. The S. G. shall then give two raps. The Testament shall then be placed in the right hand, while the J. G. administers the following obligation:

"J. G.—'I [name in full] do solemnly swear, in the presence of Almighty God, that I will labor, while life is left me, to establish and defend a Republican form of Government in Jsmboc, that I will keep strictly secret the name and everything connected with this C'e from all not entitled to know such secrets; that I

will obey and comply with the Constitution and Laws of the C'e, and that I will faithfully preserve the funds of the C'e for the Cause of Jsiti Revolution alone, as specified in the Constitution; that I will deem it my special duty and mission to promote and foster sentiments of Union, Brotherly Love and Nationality among all Jsitinfo; that I take this obligation without any mental reservation, holding the same forever binding upon me, and that any violation thereof or desertion of my duty to the Br'd, is infamous and meets the severest pnnishment—So HELP ME GOD.'

"J. G.—'Kiss the book. Admit the brothers to light and fraternity.'

"The Assistant Conductors then retire; the C. faces candidates towards the S. G.

"Brothers all raise their right hand and say: 'We are all witnesses to the obligation you have taken.' C.—'Keep it as you value your life.' J. G.—'Keep it at the hazard of your life.'

"The J. G. will then address the candidates as follows:

"BROTHERS: You have to-night, of your own free will, sworn to be true to Jsfmboe, to the C'e, to the race; that oath must be kept in letter and spirit. While you respect it those around you will be your friends. Let your conduct then be such that we shall have no reason to regret admitting you this night to our C'e.'

"J. G. (to C.)—'Conduct the brothers to S. G.'

"The S. G. greets the new brothers by shaking hands, and will address them as follows:

"BROTHERS: In the name of Jsfmboe, I greet you and welcome you to our ranks. The forms used in your initiation, although simple, are significant. You were blindfolded to screen our members from exposure to strangers. The sword used is to impress upon you that the freedom of Jsfmboe can be secured by force alone, and that our duty is to nerve and strengthen ourselves to wrest by the sword our political rights from Fohmboe.

Your restoration to light and freedom is typical of the object which this C'e is sworn to obtain for our country. May God strengthen you to work with zeal and fidelity in the cause whose duties you have undertaken. Be mindful to make that sacred cause the symbol of Union and Fraternity; cast aside all petty jealousies and sectional views, with one object ever in your mind —Jsjti independence.

INSTRUCTIONS TO CANDIDATES.

I.—NAME.

“The name of this organization is the V. C. Its local subdivisions are styled D's, and are known by their number. This is D. No. —. The leading object of the V. C. is to co-operate with the J. S. C. in securing the independence of Jsmboc, and the special object to secure the union of all Jsjti Nationalists. As it is essential to the safety and efficient working of our organization to preserve the strictest secrecy in reference to it, you will never mention the name of the V. C., or anything connected therewith, to any one whom you do not know to be a member thereof. Should you desire to secure some worthy person for membership, you will first have him proposed, and if elected, then indirectly ascertain his sentiments on the subject of secret Jsjti National organizations; and, should his views be favorable, you might then intimate there is a secret organization in existence working for Jsjti Liberty; and if he appears inclined to join it, you may admit you are a member of it, and that you can secure his admission therein; but no further information must you convey, nor use the name of any person connected with C'e.

II.—ENTRANCE.

“When entering a D. (if in session), you are hailed by the outside S. with the ‘hailing sign,’ which you answer before passing to the inner door. On arriving at the inner door you give two distinct knocks at the door, which are answered by the Sentinel, and when he opens the slide, he hails, ‘Who comes there?’

This you answer by giving your number and D., which he announces to the J. G., who directs him to admit you, if correct; you next give him the P. S. in full. Upon being admitted, you proceed at once to the center of the room, face the S. G., raise your right hand, announce your number, which when he notices, you take your seat. Should the S. G. be occupied, face the J. G. and do the same. The object of this is to bring the attention of the brothers present upon you, to guard against the possibility of any unworthy person securing admission, and also to remind you of the obligation of membership which you have just taken, and by which you were admitted to fellowship amongst us.

III.—HAILING SIGNS AND TEST-WORDS.

“(The S. G. will here describe the mode of recognition prescribed by the F. C.)

IV.—VOTING.

“All voting for candidates and officers is done by ballot. Three black balls reject any candidate for membership. In proceeding to cast your ballot, you stand in front of the ballot-box, facing the S. G., raise your right hand, and announce your number, to remind you that by your oath you must exercise your privileges of voting fearlessly and impartially, neither permitting yourself to be influenced by motives of friendship or personal prejudices in reference to any candidate. Other voting is done by raising the right hand, on motion put by the S. G. from the chair.

V.—P. W.

“The P. is never to be spoken above breath, nor given to any one except the S. at the door, and the W. at the opening of D. (complete P. to be given to W.), neither must you give it to any brother, under any circumstances, should he forget it.

VI.—GAVEL.

“When one stroke of the gavel is given by S. G., all present maintain perfect silence and pay strict attention to whatever is

transpiring. At 'two raps' of the gavel every brother at once rises, and will remain standing until 'one rap' is given as a signal to sit down.

VII.—NAMES.

"Each brother is distinguished and known by his number, which you will receive from the R. S. Should you offer a motion, or take part in any debate, you will preface your remark by holding up your right hand, addressing the S. G., and stating your number.

CAUTION.

Be careful you do not make improper use of these instructions, and let not the cause of your country or the interests of the V. C. suffer through any want of prudence, perseverance and courage on your part, while traveling onward on the path to Freedom. [Two raps.]

"'BROTHERS: I am happy to introduce to you our new brothers.' [One rap.]

"The P. will be given privately by the S. G. to new brothers, when convenient, before adjournment of D.

CLOSING.

"When the Order of Business is passed through, the S. G. gives two raps.

"S. G.—'BROTHERS: Our work for this night is performed. We part as we met, in a spirit of unity and brotherly love—principles that should actuate us continually as Jsji revolutionists. We again separate to mingle with the outside world. Let us bear with us a vivid recollection of our mission—to heal the wounds of the past, and open the prospects of a glorious future, by counseling and practicing love and fraternity among the exiled children of our land. Until we meet again, secrecy as silent as that of the tomb must guard the knowledge we possess; and, amid the vicissitudes and toils of life, never forget that Jsfbmo has intrusted her safety to us, and expects a faithful fulfillment of our

pledges. This D. stands adjourned, to assemble on —— evening next.' [One rap.]

INSTALLATION.

"The S. G. obligates the officer-elect. At installation the S. G. and J. G. will first present themselves before presiding officer for obligation. In case of re-election, the position will be temporarily filled by brothers appointed by S. G. The Treasurer, R. S., F. S. and Trustees will be obligated together, after S. G. and J. G. are obligated and inducted. After the administration of oath, the new officers will be, in turn, conducted by C. to their respective positions, where they will be greeted, and inducted in their chairs by retiring officers, who will impart to them instruction relative to duties of the position and transfer the property, etc., pertaining to the office. All oaths to be administered in the V. C., with members standing.

OBLIGATION FOR S. G. AND J. G.

"I, [name], solemnly swear to discharge the duties of Guardian of this D. to the utmost of my ability. That I will fulfill and enforce the spirit and letter of the Constitution, By-Laws, and of the C'e, with all the authority vested in me, without fear or favor. That I will obey, respect and uphold the authority, orders and instructions of the F. C., and cause the C'e of this D. to do likewise. So HELP ME GOD.'

OBLIGATION FOR OTHER OFFICERS.

"I, [name], solemnly swear to discharge the duties of my office to the utmost of my ability. That I will faithfully protect all records and property of C'e entrusted to my care, and that I will promptly transfer to my successor, or those legally authorized, everything belonging to the V. C. in my custody. So HELP ME GOD.'

GENERAL REMARKS.

"The efficacy of D.—the utility of the ceremonies of initiation—depend entirely on the ability with which officers render

their part of the workings. Officers should commit to memory their share of the Ritual. It is an indispensable qualification for the positions of S. G., J. G. and P. G., that members holding or aspiring to such offices should be good readers, capable of delivering their part in an impressive, animated, but not hurried manner, making it evident that they understand what they are teaching, and that they feel the importance of the sentiments they have to convey. D's may elaborate Ritual with appropriate vocal and instrumental music (at opening and closing) where local opportunity and available musical talent will permit. The use of triangles by S. G. and J. G. will be found impressive in Initiation by those officers alternately striking the same in slow time, during walking of candidates. The ceremony of Initiation should be made, as it is intended, a source of continual instruction and interest, and not turn it into a meaningless or tiresome formula, by incompetency or carelessness of officers. The object of the ceremony is as much to impress the old members, refreshing their minds with their obligations and the principles of the Order, as to instruct candidates, who usually fail to comprehend, from temporary confusion natural in their progress through Initiation, all that is conveyed them; but in participating in and observing subsequent Initiations, they will gradually acquire that perfect knowledge of the scope and discipline of the V. C. which every member must have.

"The P. G. may be elected to that position or the Treasurer may fill the position, in case there is no past S. G. willing to accept. The position confers no executive or administrative powers.

"S. G.'s should urge on competent members the importance of learning the duties and parts of S. G., J. G. and P. G., so that no impediment to the efficient operation of Ritual may be occasioned by vacancies. Officers should make themselves familiar with the rules in the Constitution, By-Laws or Workings, relative to any and all their duties, at the D. of Instruction, to be

questioned in regard to those duties imposed by the Laws and Rules of the V. C., so that there can be no justification for pleading ignorance in extenuation of neglect of duty.

"At 'Good of the Order,' the consideration of means of extending the Br'd and its influence will be proper, and the holding of literary or social exercises as may be found instructive, dignified and entertaining."

This, so far as it has been published at any rate, is the whole of the secret working of the Clan. Can any one find anything murderous or un-American in it?

According to the London *Times*, however, the activity of the U. B. has manifested itself in all sorts of uncomfortable ways in the diplomacy of the Continent.

Le Caron swore that Senator Jones, of Florida, was the go-between who attended to the negotiations between the Clan and the Russian Minister at Washington. The *Daily Telegraph* solemnly declared that the Clan was helping the Mahdi in the Egyptian war by furnishing him with cannon and military stores. In South Africa the Boer war, in which several Irish-American volunteers appeared on the side of the successful rebels, had its own history, of which England apparently did not like the reading, and last and worst of all, it was the Clan, according to the *Times*, which has carried off the Indian Prince, Dhuleep Singh, and made him an ally of Russia instead of a tool and poor pensioner of England. Dhuleep Singh's inflammatory appeal to his countrymen to be men is not the least crumpled of the rose leaves in the bud of English diplomacy, and to the Clan is imputed all the unrighteousness of his change of base.

CHAPTER VII.

“Parnellism and Crime”—The London *Times*’ Attack—Its Purpose and its Scope—The Irish Question in English Politics—The Forged Letters—The Charges against Parnell—The Parnell Commission—Importance of the Result—Egan and the Forgeries—Running down the Criminals—Priming a Bombshell—The *Times*’ Case—Help from the Government—Parnell’s “r”—Pigott Broken Down—His Flight and Suicide.

THERE were thus two great movements running side by side among the Irish people, the one constitutional, the other secret and, if you will, violent. The first relied upon an appeal to the innate sense of justice of the English people; the other candidly avowed its belief that no such sentiment could be found in the English heart. The one was for a settlement of the Irish question at the ballot-box; the other for a settlement in the field.

In the ranks of one were to be found the conservative element of the Irish almost to a man, and the Bishops and priests of the new Irish church; with the other were the radicals and the exiles, the men who refused to believe that anything good could come out of Britain, and who felt, with a strong conviction, that their Irish kin were pursuing a shadow in their chase after parliamentary justice.

Each party had this much in common, that a sincere and loyal desire to do the best thing for Ireland that could be done was the animating purpose of either, but they differed radically as to their means and as to their end.

From all that I have been able to learn from a somewhat close study of the Irish question in Ireland, I have become satisfied, much to my own private disappointment, that with seventy per cent of the people, if not more, an Irish parliament is the limit of their national aspirations. The desire to break entirely the nexus between Ireland and England is rather Irish-American than Irish; and upon a little reflection it will be seen why this must be so.



SIR CHARLES RUSSELL.

The heart and soul of the Irish-American revolutionary party are the old Fenians who left Ireland in a time of national hate, when race prejudice ran to its very highest, and when Celt and Saxon were at a crisis point of exacerbated feeling. These men have been marking time ever since rather than going forward, while the people at home have passed into new conditions, the meaning of which is not thoroughly appreciated upon this side of the water. There certainly has been an approach to good feeling between the Irish and English democracies, as every one with eyes can see. No ovation could be more hearty than that given to William O'Brien in Manchester after his escape from the police at Carrick-on-Suir; none more sincere than Davitt's reception whenever he comes upon an English platform.

Perhaps the Irish in Ireland are right. At any rate they ask their American kin to trust them and wait. Here were the irreconcilables; there the men carrying on a most difficult, and yet a most promising campaign, in which mutual conciliation was implied by the very conditions of the case. Here was the Irish race sentiment; there practical Irish politics. Here were men fired by the legacy of vengeance, the dower of the Celtic blood; there men coolly making a bargain, which they were prepared to carry out, with the British Liberals. Diverse elements these, with but one thing in common, the good of Ireland.

The whole secret is told when one reflects that an Irishman may be a revolutionist and yet wish Parnell well; that he may believe Home Rule a good thing, but not a complete thing. On the other hand the Home Ruler whose ultimate and complete demand is a National Irish legislature would be a very impractical statesman indeed if he declined the help the Irish in America can give him lest he should offend the supersensitive feelings of half-hearted English allies by the bad company he keeps.

Timeo Danaos et dona ferentes.

We fear Gladstone bearing Home Rule; but the revolution has the centuries, and Parnell and his party must win or lose in

the next ten years. We can give them that much grace. If they fail, as they probably will, we are in no worse position than we were, while the clouds around the Empire are ever thickening. As it is, the revolution has made a truce of God, and it will forbear its hand until the English people have definitely and finally said whether it is to be peace or war.

It would occur to the meanest intelligence that the best way to hoodwink the English democracy would be to show the essen-



THE FORGER PIGOTT.

tial unity of "Parnellism," so called, meaning the Home Rule movement, and "Crime," so-called, meaning the Irish-American attitude to England. To this task the London *Times* addressed itself with more good will than good judgment. A more careful examination of the situation would have shown the *Times* that a man cannot be a revolutionist without being a Home Ruler; while Ireland is full of Home Rulers who are anything but revolutionists. In so far as Mr. Parnell, Mr. Dillon, Mr. Davitt, Mr.

9/1/82

Dear C.

What are these fellows waiting for?
This inaction is inexcusable, our best
men are in prison and nothing is
being done.

Let there be an end of this hesitancy.
Prompt action is called for.

your undertook to make a bid for
old Foster and Co. Let us have some
evidence of your power to do so.

My health is good. Thanks

Yours very truly
Chas. Parnell

I am not surprised at your friend's
anger but he and you should know
that to denounce the murders was
the only course open to us. To do
that promptly was plainly ~~the only~~
~~our~~ our best policy.

But you can tell him and all
others concerned that though I regret
the accident of Lord & Cavendish's
death I cannot refuse to admit
that Burke got no more than his
deserts.

You are at liberty to show
^{this} him, and others whom you can trust
also, but let not my address be
known. He can write to House of Commons

Yours very truly
Chas. J. Parnell

T. P. O'Connor, Mr. Healy, Mr. Harrington, Dr. Kenny, Mr. O'Brien, or any of that brilliant galaxy of Home Rulers, has been able to convince the Irish-Americans that there was a hope for a peaceful and satisfactory parliamentary solution of Ireland's question, there has been an alliance of "Parnellism" and "Crime." The more abandoned criminals remain on the outside, and distrust Home Rule, much as they distrust Mr. Gladstone, or as they would distrust the *Times* did it experience a change of heart—as it would in twenty-four hours were there a little powder burned at Pul-i-Khisti.

With the *Times*, however, the object was not the truth, but the effect on the electors, and, accordingly, it deliberately set out to prove Mr. Parnell a dynamitard. This was difficult, because Mr. Parnell was not a dynamitard; but not impossible, because the *Times* had at its back all the resources in the way of perjury and forgery, bribery, corruption and official pressure, which belong to the English Government.

There is an association in Ireland calling itself the Loyal and Patriotic Union, of which one Mr. Houston is, or was, secretary, and of which the late Prof. Maguire, of Trinity College, was a shining light. These gentlemen, with some assistance from other members of the garrison, produced and sold to the *Times* a series of letters, in which Mr. Parnell frankly and candidly took a lot of people into his confidence in sundry assassination plots in which he was concerned, coiling about himself a chain of written evidence from which there was no escape save suicide. Being confronted with fac-similes of the letters by the *Times*, he impudently denied their authenticity, and even went so far as to insinuate that they were forged.

Parliament appointed a Commission to inquire into the matter, and the *Times* sold many copies of its various brochures on "Parnellism and Crime," some of which have been found very useful in preparing this volume.

Patrick Egan, late treasurer of the League, but at this time

an exile in America, noticed some of the peculiarities in the *Times* Parnell letters which led him to believe that he knew the author. Originals were hunted up and sent to Parnell by a safe hand, and, accordingly, when the *Times* came on to show beyond the shadow of a doubt that Parnell had written the letters—"to prove them up to the hilt,"—a countermine was ready which blew all their plans to tatters.

Richard Pigott, the miserable forger, was forced to confess his infamy upon the stand. He admitted that he had himself forged the documents, and had sold them to Houston, who, in turn, sold them to the *Times*, and upon the adjournment of the court he made his escape to Spain, where a few days later he committed suicide.

Pigott's break-down was not needed, although in itself it was conclusive. The lawyers for the Home Rule leader were prepared to show that the forgeries were made by tracings upon tissue paper from genuine writings of Parnell's, which were then pieced together to give them a damning sense. Part of this proof, which was never needed, was extremely interesting, and consisted of enlargements by the magic lantern of the forged and of genuine signatures, the genuine "r" being one of Parnell's characteristic and unmistakable letters, which Pigott had failed to reproduce at all properly.

With generous British candor, the *Times* withdrew the forgeries, but continued to press the case founded upon them. Mr. Parnell withdrew from the Commission, which has not yet made its report to Parliament.

CHAPTER VIII.

English Detectives in America—Treason in the Fenian Ranks—P. W. Dunne and P. J. Meehan Condemned to Death—The “Lost Documents”—How a Torn Pair of Drawers put Life and Liberty in Danger—Carey and the Invincibles—Tracking a Traitor—A Revolutionary Execution—“Major Le Caron”—Betrayal on a Cash Basis—Parnellism and Crime—Le Caron’s Futile Disclosures—His Personality—Alexander Sullivan his Sponsor—Le Caron’s Life in Chicago.

MATTERS had been brought to this pass when the whole English-speaking world was startled by the production upon the witness stand before the commission, of Henri Le Caron, the Chicago spy. It had been well known that there were a number of English detectives in the ranks of the Clan-na-Gael, but the most persistent search had failed to locate them. Suspicion fixed upon this man, and upon that, but in each case anything like proof was lacking. Only of one thing could there be any certainty, and that was that somebody high in the confidence of the revolutionary leaders, if not one of the leaders themselves, was betraying the cause.

Not a man crossed the ocean upon a revolutionary mission who did not run into the arms of the police. Often the photograph and the description went on the same steamer with the adventurer; more frequently they preceded him.

Any one who knows anything of the Irish character, knows in what execration an informer is held, a feeling which added to the vigor with which the search for the spy was prosecuted. Traps were laid again and again, only to fail, perhaps because some of the traitors had a share in the quest.

Once a mail bag belonging to the British Ministry at Washington was captured, and in it was found a complete and detailed account of secret work then being done in the Clan; and even then the spy was not run down. Blow after blow was thus struck by the English Government, in the dark, and uneasiness rising to bewilderment followed in the camps.

P. W. Dunne, who has been one of the prominent figures in the Cronin case, was, it is said, once sentenced to death as a traitor. This was in the old Fenian days. Dunne and P. J. Meehan had been sent to Ireland by James Stephens, the head center on secret work. They were provided with papers which, if captured by the Government, would expose the whole of the conspiracy, particularly the military part of it, and put many men in jeopardy of their lives. When the two men came to the revolutionary headquarters, which were held in a little unsuspected shop in Dublin, the papers were missing. Meehan declared that he had pinned them on the inside of his drawers, and that he could not explain how they had dropped out. Certain it is that somehow the very same papers were produced by the English Government, in the trial of Thomas Clark Luby and the other Fenian leaders, and secured their conviction, which was until then doubtful. Meehan and Dunne were accused of treason, and it is said a court martial of the Irish Republic (Fenian) found them guilty, and adjudged the death penalty. Meehan, who is now the editor of the *Irish-American*, in New York, was shot down and left for dead in the Fenian headquarters in New York, but he recovered, and both he and Dunne subsequently convinced their friends and the Irish public of their complete innocence. Indeed, Dunne had only been suspected on account of the warmth of his defense of Meehan, who was his friend.

An old St. Louis Fenian, recently in Chicago, gave the *Times* the following detailed account of the trouble over the "lost documents," of which he probably knows as much as any man living:

"The dispute between the two parties grew acrimonious and bitter, and P. J. Meehan and P. W. Dunne were sent to Ireland as special ambassadors to examine into the condition of affairs there, and learn how far the people were ready and prepared for a rising against the Government. They also wished to try to bring into the movement many prominent Irishmen, such as

George Henry Moore and 'The O'Donoghue,' who had hitherto remained aloof. Their credentials contained, it was said, the names of all the leaders of the movement in Ireland. They remained some days in Dublin before reporting at the headquarters of the provisional government, and when they did show themselves the precious documents were missing. They remained in Ireland only a short time and then returned to America.

"Within a little time—in September, 1865—the storm burst on the heads of the Irish leaders. The English Government seemed to be apprised of every movement made by the Irish revolutionists at home and abroad. Wholesale arrests were made. Thomas Clarke Luby, Denis Dowling Mulcahey, Thomas J. Kickham, after whom Kickham Scanlan (now in Mills & Ingham's office) was named; Pierce Nagle, William Francis Rountree, O'Donovan Rossa, Capt. D. F. Gleason, Michael O'Niel Fogarty, head center for Tipperary; Cornelius O'Dwyer Kane, head center for Cork; Mortimer Moynihan, James O'Connor, Cornelius O'Mahoney, Richard O'Sullivan Bourke, now in the city engineer's office here, were arrested and tried for treason. Pierce Nagle turned informer, the lost document appeared in evidence, and all the accused were given long sentences.

"As I said, Meehan and Dunne, were tried for treason by the I. R. B., and condemned. It took a long time for the first attempt at vengeance to be made, but the alleged disloyalty or its punishment was not forgotten. It was in the fall of 1868, if I remember rightly, that Dr. Waters, who had been high in place in the Irish Republic organization at home, at the time of the arrest in 1865, shot Meehan at the headquarters of the Fenian Brotherhood, on Fourth Street, New York. Waters was tried and given two years in the penitentiary, but was pardoned at the solicitation of Meehan.

"Meehan's and Dunne's story of the way the documents were lost was considered satisfactory by their friends, but the other side never forgave them or believed them guiltless. Dunne and

Meehan say that the latter had the papers pinned to the inside of his drawers, but that the pins cut through, and the documents, falling to the street, were found by some one who handed them over to the police.

"The disputes on the American side continued, and at the Philadelphia Convention in 1867 the final split occurred, the advocates of the Canadian invasion seceding under the name of 'the Senate party,' led by Gen. Roberts, from the old Fenian Brotherhood, which remained under the leadership of James Stephens and John O'Mahoney. The 'Senate party,' before the final rupture, had wished to show the feasibility of their proposed attack on Canada, and organized the raid of 1866.

"I remember that, the fall before this, P. W. Dunne came to St. Louis, and swore thirty-one of us, all young fellows, into the service of the Irish Republic. We expected to be ordered to Ireland at any moment, and all of us were ready to start at an hour's notice. The arrests in Ireland that fall spoiled that plan, and most of us went to Canada.

"Many of the men whose names have been so often heard since the beginning of the Cronin sensation held prominent places in Irish affairs then.

"In the 'Senate party,' John F. Finerty was an organizer; so was P. W. Dunne, and John J. Corydon, who afterward turned informer. W. J. Hynes, now of the counsel for the State in the Cronin trial, was another organizer; 'Red Jim' McDermott, well-known to Chicago, who turned informer in the Phoenix Park murder cases, was another, and so was Gen. P. A. Collins, of Boston, who was permanent chairman of the last Democratic National Convention. A. L. Morrison, formerly of Chicago, but now in New Mexico; Jim Brennan; P. R. Walsh, now in San Francisco; John F. Scanlan and his brother Mortimer, Frank Gallagher, of Buffalo, and James Gibbons, of Philadelphia, were prominent members.

"B. Doran Killian, J. J. Rogers, of New York, who won't believe Dr. Cronin is dead; O'Donovan Rossa, Edward Duffy, and John Dolan were leading lights in the O'Mahoney party.

"The crowd that has been trying to run things recently had not then been heard of in connection with Irish affairs.

"Probably P. W. Dunne's experience has helped to make him particularly anxious to see the murderers of Dr. Cronin punished. He knows how ruthlessly suspected men, whether innocent or guilty, are hunted down by these organizations, and a 'fellow feeling makes us wondrous kind.'"



JAMES CAREY, the Informer.

The manner in which men of unblemished reputation for patriotism thus fell under suspicion will make it easier to understand the unrelenting way in which a proven informer will be followed to the ends of the earth, if the chase carries vengeance so far.

The world remembers the Phoenix Park assassination, in which Lord Frederick Cavendish and Mr. Burke fell under the knives of the "Invincibles." This was a murder society pure

and simple, in which James Carey, one of the Dublin Town Councilors, was the moving spirit. No man more guilty than he was in the plot, and yet he was allowed by the English Government to save his own neck by hanging his dupes, and upon his information the other Invincibles were either hung or sent to penal servitude, and Carey himself was kept in hiding by the authorities. He was plentifully supplied with money, and when it was supposed that any possible pursuit had been evaded he was shipped off to South Africa.



PATRICK O'DONNELL, Carey's Slayer.

But there had never been a moment from the time that Carey appeared upon the stand in Dublin for the State until he was killed that he was not under the eye of the revolutionary directory. His movements were purposely made as erratic as possible, but he was trailed with the instinct of the sleuth-hound. He was followed to Paris, and to the South of France, watched at the gaming tables at Monaco and traced back to London with an agent of the I. R. B. in the same compartment of the train with him. Half a dozen opportunities to kill him presented themselves, but O'Donnell, who had volunteered for the work, would not take advantage of him, because he wanted the execution to

take place under the English flag. O'Donnell had devoted his own life to the work of vengeance. He was a high-spirited young Donegal farmer, of some means and education, and an enthusiastic revolutionist. Carey's treachery had fired him beyond the power of words to paint, and he gladly threw away his own life to mete out justice upon the traitor. He had chosen so to do his work that the Irish race and the whole world could not mistake his purpose and his success. It was an act of wild justice that tended very seriously to interfere with informing as a profession.

In Dublin a short time since, the editor of this book talked with several old-time Fenians about Carey, and it is in order that the one bright spot in his character may be recorded of a man universally execrated. This is what he was told:

That Carey was an infamous and cowardly villain every one admitted, but he himself was conscious of his infamy, and in a half-hearted way was true to some of his associates. His evidence was only given against those men who were already in the dock, and he perjured himself willingly to save the lives of three people who were brought before him for identification, whom he knew as well as he knew his own mother, but whom he saved by declaring that they were not the right persons.

Next after Carey as an informer, but in a different class, came Major Le Caron, so called. But even the most enthusiastic Irishman differentiates the two. Le Caron was a paid tool of the English Government from the start. Carey was an Irishman who had lured others into a conspiracy and then made a cowardly and unsuccessful effort to save his own life at the expense of his dupes. One is in the position of a shrewd detective, which is infinitely better than that of a cowardly traitor.

We Irish do not make any mistake on this sort of thing, and it is my deliberate conviction that Le Caron could come back to Chicago and live here, and never a hand would be lifted against him. A ruse is not a betrayal. It certainly is the right of the

English Government to do all in its power to protect itself from the Irish revolution; and if it can impose one of its agents upon the leaders of the movement, irritation against that agent would never take the form of fixed and unrelenting vengeance which would attend the man of Irish blood who sold himself to the enemy.



LE CARON, THE BRITISH SPY, as he appeared on the Witness Stand.

We are playing a fair game with the British Government, and if Le Caron had been discovered in his true character before he unmasked, the chances are that as a military necessity he would not have got through safely. I have failed utterly to find any feeling against him on any side. There is much contempt, of course, for a man whose business was the betrayal of those whom he could induce to trust him, but none of the rancorous bitterness which would attend treachery in the Irish ranks.

Le Caron, or Beach, should never have been admitted into the revolutionary movement. The canons of every society which has ever striven to organize men of Irish blood against the English domination in Ireland have expressly excluded those who were not Irish either by birth or race, and Le Caron was neither.

The whole interest in him centers in the man rather than the story he had to tell—for his evidence, after all, amounted to nothing, and the English Government very uselessly uncovered a most valuable ally in their desperate endeavor to help the London *Times* in its hopeless fight upon the Irish leaders.

It was subsequently admitted that the most important information in the *Times* articles was furnished by Dr. Henri Le Caron. The writer of the articles of the series "Parnellism and Crime" was Mr. Fitzgerald, the son of an Irish judge, and he was given access to everything which Scotland Yard could furnish him for the preparation of his copy.

Le Caron, whose real name was Beach, was a man of somewhat dubious antecedents. It was never known why he changed his name, for that was done long before he became a spy. He went from England to France, and from France to America, where he served in the Union army either as a major or a hospital steward—it is not quite clear which. He was at this time carrying the name he afterwards made so notorious. In the army he was thrown accidentally with a number of Irish soldiers, and the intimacy thus begun continued after the war was over. He heard a good deal about Fenianism, and threw himself heartily into the movement, at the same time making arrangements, through his father, with Scotland Yard to betray his companions. He was implicitly trusted by the Fenians, and was made one of the Council of War. As a consequence, when the raid on Canada was projected, he was a most valuable servant to the Canadian Government. He sent warning of every projected movement, and full information of the establishment of every depot of arms and war stores. As a result, the whole movement was a ridiculous fiasco.

Suspicion turned on every one but Le Caron. He was a Frenchman, every one thought, and a hater of England even beyond ordinary hate. No man was louder in his denunciation of the treason that was manifest in the Fenian ranks, none worked more craftily or more eagerly to trap the traitor.

For some years he dropped out of sight, keeping up a desultory correspondence with old Fenian messmates, until the Clan-na-Gael began to grow into a powerful society. Then he again turned up, filled fuller than ever of his old-time hatred of the English, and, as he swore on the stand, Alexander Sullivan himself stood his sponsor in the Clan. The old work began again. Secret circulars were promptly sent to London as soon as they reached Chicago. Lists of members of the Clan, officers and resources, reports of meetings, everything that Le Caron could find out went at once to Scotland Yard. He sent descriptions of revolutionary agents in the same ships that the men themselves went abroad on, and on the whole, it would be difficult to imagine a more complete and serviceable spy.

At last he crowned his whole career by boldly going on the witness stand in London, and blandly telling all that he had done, and how he had done it. He seemed to take a pride in his work, and it was with a loving attention to detail that he described how he wormed himself into the confidence of the Clan-na-Gael leaders.

"I was not an informer, nor a traitor," he said; "I was a military spy, serving among the enemies of my country."

Following is a sketch of Le Caron's career in Chicago and its environs, as given in the *Chicago Times*, on the occasion of his going on the stand in London:

"Dr. Le Caron, alias Thomas Philip Beach, was associated with Dr. Bacon, now State Senator, in Lockport, Will County, immediately after the Civil War. It is said that Dr. Bacon was physician at the Joliet Penitentiary at that time, and that Le Caron was a sort of a hospital steward under him. Le Caron's young wife,

an excellent lady raised in Nashville, and Mrs. Bacon became warm friends, and are yet. Le Caron moved to Wilmington in 1868, or thereabout, and opened a doctor's office. It was generally believed that he had taken part in the unsuccessful Fenian invasion of Canada, and he did not deny it. Certain it is that Gen. O'Neil, who was prominent in that raid, visited Le Caron more than once in Wilmington. After living in the latter named place perhaps four years he moved to Braidwood, taking Miss Lizzie Beach, who was understood by his neighbors to be his half-sister, with his family. In Braidwood he had a fair practice, which continued off and on until within three months, though his family residence has been for a few years in Chicago. He owned a drug store, and later established another. He was nominated for supervisor, and later for the State Legislature, and came very near being elected each time. It is thought from old photographs that Le Caron served in the Union army, not in the capacity of major, but in that of a hospital steward.

"In person he is about five feet eight inches in height, weighs probably 120 pounds, dresses faultlessly, speaks French fluently, has a fine tenor voice, and having a liberal education, is possessed of considerable ability. He makes a fair presiding officer or ward politician. He is shrewd and bold enough to engage in adventure, and probably equally cunning in covering his tracks. One of his most intimate acquaintances in Chicago was the late Col. William J. Clingen.

"During the last ten years Le Caron has made several trips to Europe. He said two years ago that his mission there was to help in establishing a central house in England for the wholesaling of American patent medicines. Later trips were made, he has alleged, in the interest of a foreign syndicate which desired to buy up all the best-paying breweries in Chicago and some other large cities, in the event of the successful sales of which he and three others would come in for a handsome percentage. Whether these Col. Sellers schemes were visionary or not remains to be unraveled. Enemies have often said that Le Caron's interest in behalf of Ireland was for revenue only, and it is a fact beyond doubt that he has in years gone by met John Devoy and other prominent Irish Nationalists, though it is not known that he ever spoke of meeting either Parnell or Dillon. He signed his name 'Henri Le Caron,' and whatever he may be, he certainly was generally well liked in Wilmington and Braidwood. He was to all classes

polite and hospitable, and was never accused of any sort of dishonesty. The statement that his true name is Beach is strengthened from the fact that his 'half-sister' referred to above went by that name. That woman was married a few years since to a wealthy relative of the late Roscoe Conkling in New York State. As to a Clan-na-Gael society in Braidwood, a citizen of that city says he knows of none such now nor heretofore.

"Le Caron moved with his family to Chicago about six years ago, and after living at several houses, moved two years ago to 177 La Salle Avenue, where he had lived since. Mrs. Le Caron told Mrs. Neuberg, who lived in the flat above her, that she had been in great trouble and distress the past six or seven years. Two weeks ago, without a word to friends, landlord, or any one except a furniture dealer, Mrs. Le Caron sold everything in the house, and left; the furniture man finding the curtain up, and the beds just as they had been slept in. Mrs. Le Caron took with her her seventeen-year old daughter, Gertrude, and two boys, aged twelve and eight years. Henry, a young man twenty-two years of age, refused to go, and is now in the city. Mrs. Le Caron told the neighbors she was going to a new flat; but later admitted she was going to New York. There is a married daughter, Ida, whose husband is a traveling man.

"Le Caron was well and intimately known by almost every prominent Irish-American in this country. He claimed to be a Frenchman who hated England, and out-Heroded Herod in his zeal for the cause of Irish liberation. He was foremost among the organizers of the great Fenian raid into Canada. With him were associated W. J. Hynes and John Finerty of this city, and up to the receipt of the news from London these men regarded Le Caron as a staunch and true sympathizer and friend of the Irish cause.

"Dr. George P. Cunningham said yesterday: 'I was never more shocked and surprised in my life. I first met Maj. Le Caron at my father's house in Utica, N. Y., in 1864 or 1865, while he, John Finerty, W. J. Hynes and others were organizing for the Fenian raid. So active was Maj. Le Caron that the Irish-Americans called him the "Lafayette of the Irish cause," as he was known as a Frenchman espousing the cause of Irish liberty. My father's warehouse was used as the work-shop to change the Springfield rifles into breech-loaders, and then they would be distributed at different points and secreted. We used to wonder

how their hiding-place could be discovered in a few hours and the arms taken by the Federal Government, and the leaders denounced the unknown traitors, the Major denouncing louder than any one. We know how it was done now. We used to have that man in our most sacred confidence, and many times have I heard my father and some of the leading Irish-Americans despair because some Irish traitor was evidently selling all the secret schemes, plans and movements in America to the British Government.'

"In regard to the patent-medicine tale, a *Times* reporter called on Dr. L. Burlingham, 351 North Clark Street, to find out how long he and Le Caron had been partners in a patent-medicine scheme in Europe. 'I was never a partner with him,' said the doctor, after hesitating and denying at first that he knew anything to tell of Le Caron. 'He did talk of introducing our American clover blossoms in Europe, that is all. He and I were in England together two years ago. I knew he made frequent trips to England, and I knew he was in the employ of the British Government, but just in what capacity of course I did not know. He is a very shrewd and remarkable man—just such a man as a government would employ for such a purpose, and a man who could, as he did, work for nearly thirty years as the friend of the very ones he was paid to spy on and never be suspected till the hour came to come out in his true colors. I'll bet he'll come back to America and live. He's too sharp to be hurt, and isn't afraid of any one.'"

CHAPTER IX.

American Excitement—Charges and Counter Charges—What Le Caron Testified—A Futile Treason—The Devoy-Egan Controversy—Were the Names Given?—McCahey's Appeal to Egan—Cronin and Sullivan—A Bitter Fight—The Buffalo Convention—Reading the Report—Exciting Scene in Camp 20—Beggs' Letters to Spelman—Was there a Trial Committee?—And Was there a Trial?—Street Gossip and Clan Secrets.

ALTHOUGH, as has been said, Le Caron's evidence when analyzed amounts to just nothing at all, it created an excitement the like of which has not been known in the Irish ranks since the Phoenix Park murders. Especially in Chicago did feeling run high, for it was here that Le Caron had lived, and here he had learned the secrets which he set about to betray.

Every friend of the absent detective was questioned about him. His life and his antecedents were examined thoroughly; not an incident in his career in America was not brought up and thought over, and yet there was little to be gained by it. Here was a man who had for years and years followed a systematic course of betrayal. He had made it the business of his life to learn dangerous secrets, and to trade upon them. His success in itself describes his character. He was a plausible man, magnetic and impressive. Those with whom he was thrown in contact almost instinctively gave him their confidence. It is true he was French, as they believed, but such a hearty hater of England was French only by accident; he ought to have been an Irishman, and it was a mistake for him to have been born anywhere else.

He had been made a Clansman through Alexander Sullivan, and here was a fine opportunity for Sullivan's many enemies to attack him—an opportunity which they improved to the utmost.

Charges and counter charges filled the air. Cronin, Devoy,

McCahey and their friends were bitter in their attack; friends of Sullivan were equally outspoken in his defense, and in that of the members of the old Triangle who were in a special manner the targets for all the abuse which could be heaped upon them.

Indeed at this time there was a serious fissure running completely through the Irish ranks, represented unmistakably by the controversy between Patrick Egan and John Devoy, shortly before the departure of the former as United States Minister to Chili.

Le Caron's disclosures made the feeling that already existed much more bitter, for it gave either side a needed text upon which to preach to the other.

Sifted and analyzed, all that Le Caron could tell was that there was in America a great secret society, the Clan-na-Gael, a fact which had been before that proclaimed from the housetops; and he could insinuate, if he could not prove, that this great organization was in alliance with Parnell.

No man of common sense needed to be told that the Irish in America were opposed to the English connection, and were prepared to go any honorable length to break it; but, on the other hand, it has always been felt that the problem was one which the Irish in Ireland must solve. Here was the commissariat, there the fighting men. The role of the western Celt was to back up, heart and soul, the struggle of his kinfolk in the old home; and if they decided upon a peaceful struggle, conducted along constitutional lines, the only thing to be done was to hold up their hands. If their limit is Home Rule, they are the judges, and their decision is final. American sympathy may be counted upon just as long as there is Irish necessity, and the one way that sympathy can be made effective is to trust the men on the spot.

It needed no elaborate and expensive system of detection to determine this.

But there was one thing Le Caron said which burnt into the Irish-American heart, and that was his statement that there were

four other men, spies in the revolutionary camp, wearing the livery of the revolution for the purpose of betraying it.

This was serious, not in its present danger, for there was no danger—there is not and has not been for years a secret of the Clan-na-Gael which the world might not know—but serious on account of future possibilities. The whole purpose of keeping up revolutionary organization at this time is to have an arm ready with which to strike if this long-promised “union of hearts” comes to nothing. The Irish-American utterly disbelieves in the English “sense of justice” to which the Home Rule party appeals; and it can do no harm to be prepared for a convincing disaster in Parliament.

No military organization can come to much if all its councils are to be betrayed as soon as formed, and hence it was a matter of the first importance to locate and expose the spies

Did Le Caron give the four names?

There is every reason to believe that he did. The matter came up in a peculiar way, and one out of which there seems to have been no avenue of escape for the informer, save the disclosure. Sir Charles Russell very probably saw the names; but that does not advance the inquirer any nearer to the truth, for the men to whom the names were shown were bound by every tie of professional and gentlemanly honor not to reveal them

If Le Caron gave the names, he did not much advance the American inquiry, and any determination as to who the informers were must have been come to in America, independently of Le Caron's revelations.

It ought to be an easy matter to trap a traitor. Beginning with the Triangle and working outward, the fidelity of every man even in so great an organization as the Clan could be tested quietly but effectively. A little cunning, a few ingenious decoys, would have done the business without the help of Le Caron's statement.

This brings the narrative down to one of its most dangerous

points. I have yet to hear one member of what is called the Triangle element in the Clan charge Dr. Cronin with being an English spy. The friends of the dead Doctor declare that his enemies made this charge against him; but as far as the other side are concerned, if they have made such charges, they have made them in secret.

Dr. McCahey, one of the men whose names have been most closely associated with Cronin's throughout the history of this awful tragedy, on the night of Sunday, Oct. 27, 1889, furnished the press of Chicago with a document which throws some little light on this part of the case.

Dr. McCahey, the reader will understand, writes as a bitter enemy of Alexander Sullivan, and his words must be taken with the certainty that his partisanship clouds his judgment where two constructions can be placed upon any fact. McCahey writes:

"It will be remembered that a witness testified before the Chicago grand jury that Alexander Sullivan told him that Dr. Cronin was not dead, but was on his way to London, and would be heard from in a few days. In proof of this assertion Sullivan alleged that he had received a cipher cablegram, which, as he was unable to understand it, he had repeated to Patrick Egan, at Lincoln. Egan had translated it, and sent him a copy, which read as follows: 'Another witness for the *Times* will leave about the middle of May. This may be your doctor.' Signed B.

"Sullivan told the witness that B. was an English member of Parliament, laying special emphasis on the fact that he was not an Irish member of Parliament. Diligent search among the files of the telegraph companies failed to show the receipt of any such cipher message or any cablegram signed B., or of the translation from Egan. The story was assumed to be a fabrication of Sullivan's. It is now known, however, that there was a member of the conspiracy in Paris on May 6, and that as soon as the news of Dr. Cronin's disappearance reached Paris this conspirator sent Alexander Sullivan a cablegram which was intended to be used as the basis for the report that Dr. Cronin was a spy and had sailed for England, the intention being to have the message repeated from Chicago to Patrick Egan, and at the proper time to

be produced by Egan or Sutton, and flashed over the wires. Sullivan received the cablegram, and, by changing two words in it to make it more plausible before sending it to Egan, showed that he was waiting for it and knew all about it. It was not signed B. The sender feared to sign his name, as the plot might after all fail. He therefore sent it anonymously. It read as follows:

"Paris, May 6. Alexander Sullivan, Opera House Building, Chicago:

"Wire Cancellor if not gone as follows: Reliable information, suspected person taking advantage advance books offered enemy's agent April 5; come over for 20,000, half payable in advance; proposes leaving May 12. If books could be found his story could be disproved and coming neutralized hope receive further information shortly whether offer accepted, same agent acted before at Pueblo, April 6, and cabled for 10,000, part payment advance to be sent the Bank Montreal, Chicago, and 500 contingent expenses be sent to Colorado Springs. The offer made by Buncomb may be game get money, but desirable take precaution, you may buy correspondence agent with Buncomb at any price you think right. If possible postpone departure and send Tom or some reliable friend negotiate for correspondence, otherwise cable London name representative. Don't reply until see Tom."

"The dispatches between Sullivan and Lincoln, Neb., were as follows:

"Chicago May 6, 1889. Patrick Egan, 1448 Q Street, Lincoln, Neb.:

"Am directed to repeat important telegram to you. Shall I send it to Lincoln?
ALEXANDER SULLIVAN.

"Lincoln, Neb., May 6. Alexander Sullivan, Opera House Block:

"Send cablegram to Lincoln. I will send it him.

"FRANK EGAN.

"Chicago, May 6. Frank Egan, 1448 Q Street, Lincoln, Neb.:

"Am sending cablegram; don't repeat; hold until your father returns.
ALEXANDER SULLIVAN.

"The same date Alexander Sullivan sent the cablegram, but prior to sending it made two changes—'Cancellor' was rewritten to 'chancellor,' and 'advance books' was changed to 'absence books.'

"It will be seen," claims Dr. McCahey, "that they render the message intelligible, and that instead of it having been trans-

lated by Egan, and repeated to Sullivan, it was put in shape by Sullivan before being forwarded by him.

"From that day to this no mention has been made of this cablegram. Had it been sent in good faith by a representative of the Parliamentary party it would have been heralded all over the country, no matter to whom it may have referred. But it was not an honest warning. It was the second move in the great conspiracy. Its essential part is in the first few words, 'suspected person proposes leaving May 12.' All the rest is merely padding to make it sound well. May 12 was the day that Long, Starkey *et al.* were prepared to swear that Cronin had left Montreal. What a sensation would have been created had this cablegram been given to the Associated Press from Lincoln on May 11 or 12. But the morning papers of May 6, which contained the news of Dr. Cronin's disappearance, also contained the announcement that his friends had determined to solve its mystery. Egan read them before he received the Paris cablegram.

"He also received an urgent dispatch from John P. Sutton and John F. Finerty that 'you must come to Chicago,' the ostensible reason being to attend a reception of the Irish-American Club, though what authority John P. Sutton, of Lincoln, Neb., had to speak for a Chicago club is not clear.

"But Mr. Egan had read the morning papers and he did not father the Paris cablegram, and he did not go to Chicago until May 17. When he got there he ridiculed the idea of Dr. Cronin being dead, but was very careful to not attack his memory in any way. As soon as the Doctor's body was found the rumor was immediately started that his was one of the names mentioned by Le Caron. I telegraphed Egan as follows:

"Philadelphia, May 25. Patrick Egan, care of Irish World, 17 Barclay Street, New York:

"Will you either affirm or deny the truth of the rumor that Dr. Cronin's name was on the list of spies made known to Sir Charles Russell? If you have not this knowledge no other man in the United States has, and I hope you will state so publicly.

"P. McCahey."

In a short time he received the following reply:

"New York, May 25. Dr. P. McCahey:

"P. E. has no knowledge whatever of the list referred to, and it would be an outrage to mix his name up in the matter.

"A. E. Ford."

"If Mr. Egan had no knowledge of the list," says Dr. McCahey, in conclusion, "it must be evident, even to Mr. O'Brien, that no other person in America had, and that any one who pretended to have was a shameless liar and a member of the murder conspiracy."

The letter was handed in at the counting-room of the Chicago *Herald* late one night, in an envelope which bore three postage stamps, but had not been through the post-office. This fact is mentioned because prominent members of the Cronin prosecution committee thought that Dr. McCahey could not possibly be guilty of sending out such a document without consulting them or at least letting them know about it. Not one of them knew a thing of it until they were apprised by the reporters that such a letter had been received. Of course they were all conversant with the facts as presented by Dr. McCahey, and with the contents of the telegrams, but it was perfectly well understood by everybody, McCahey included, that the information was a secret. Indeed, it was only on the condition that it would remain a secret that McCahey was permitted to have a copy of the dispatches. The writing is unmistakably McCahey's; it is McCahey's argument, and nobody else but McCahey could have furnished such a letter. But his views as to the telegrams are not the only views that have been taken of them, and his facts are not at all correct, as for instance the statement made by a witness before the grand jury. That witness never claimed that any such dispatch as that signed B. was received; the matter is distorted and exaggerated.

The cablegram may be thus made more clear by interpolation:

"Wire Chancellor (Patrick Egan) if not gone (to Chili) as follows: 'I have reliable information that a suspected person, taking advantage of the absence of the books (of the Irish National League, which were missed and urgently sought during the Parnell inquiry) offered the enemy's (London *Times*) agent April 5 to come over for \$20,000, half payable in advance. He proposes leaving May 12. If the books could be found his story

could be disproved and his coming neutralized. Hope to receive further information shortly whether the offer was accepted. The same agent acted before at Pueblo April 6 and cabled for \$10,000, part payment advance, to be sent to the Bank of Montreal at Chicago, and \$500 contingent expenses to be sent to Colorado Springs. The offer made by Buncomb (an *alias* for somebody) may be a game to get money. It is desirable to take precaution. You may buy the correspondence of the agent with Buncomb at any price you think right. If possible postpone your departure (to Chili) and send Tom (Brennan) or some reliable friend to negotiate for correspondence. Otherwise cable London name of representative. Don't reply until you see Tom (Brennan, of Nebraska)."

Now, "a suspected person," according to Dr. McCahey, means Dr. Cronin, but there is a possibility that it meant a well-known Nationalist known to be in Colorado. Time will tell, now that it has been published, who is meant.

Doubtless there was much dissatisfaction with Dr. Cronin's attack upon the Triangle, and the manner in which it was conducted. Sullivan had protested bitterly against Cronin being made one of the committee which was to investigate him; but Sullivan was by no means the only man who had antagonized Cronin, and that Cronin had antagonized, although, upon the latter's death being shown, the whole brunt of the prosecution fell upon Sullivan's shoulders, as the bitterest enemy which the dead man was known to have made.

The Buffalo convention was held, and the investigating committee thoroughly exonerated the members of the Triangle from the charges of malfeasance. Dr. Cronin insisted upon making a minority report, and this was read in the camp of which he was Senior Guardian. This report was an indictment of the Triangle and a declaration that they were guilty.

All that we know definitely of what followed is contained in the correspondence between John F. Beggs and Edward Spelman, the district officer of the Clan. Beggs was the Senior Guardian

of Camp 20, and is one of the prisoners put on trial for his life in the Cronin case.

The correspondence, as produced by Mr. Spelman on the trial, was as follows:

The State's Attorney offered a number of letters in evidence, and they were turned over to the attorneys for the prisoners for inspection. Mr. Wing then objected to their introduction. Mr. Foster said there was no objection on the part of Mr. Beggs, and the court allowed them to go in. Mr. Mills then read the following letter from John F. Beggs to Mr. Spelman under date of Feb. 16, 1889:

"MY DEAR SIR AND BROTHER: I am directed to call your attention to the following subjects: First, it is charged that the S. G. of the Columbia Club (Dr. Cronin's camp) at a recent meeting read to the assembled members the proceedings of the trial committee. [This refers, of course, to the investigation of the Triangle, the minority report of which Dr. Cronin read.] Second, I am directed to enter the protest of Camp No. 20 against the D's in Chicago electing or initiating men until their names are presented to D. No. 20 and the other D's for their consideration. The old rule by communication has become a dead letter since the formation of the Central Council, and I am informed that said council has not held a legal meeting since its formation. Good discipline calls for an investigation of the foregoing, which I feel you will attend to. Fraternally yours,
"J. F. BEGGS, S. G., D. 20.

"Don't forget our reunion Feb. 22."

Mr. Mills—The next letter is from Edward Spelman to Beggs, and is dated Feb. 17, 1889. It reads as follows:

"FRIEND BEGGS: Yours of yesterday to hand, and contents carefully noted. Will you kindly refer me to that section of our law where I am empowered to inflict a penalty on a S. G. for disclosing the proceedings of a trial committee. Under the constitution I called the S. G. and J. G. together [meaning Senior Guardian and Junior Guardian] for the purpose of forming a council. If they fail to perform their duty, I would like to know how I can remedy the evil you complain of. While I admit that

no person should be admitted in Chicago unless his proposition should come before the council or the D's in your city, on accepting the position of the D. O. [District Officer], I felt that I should be able in my own way to effect a reconciliation of our people in Chicago. But I must confess to you that I am greatly disappointed. My position is this : That if any person who is a member should violate the law he should be tried as provided by our constitution. What is the fact? Members who know a wrong go around the street and go from one D. to another and talk about such an offense. Then they report, and the D. O. is a figurehead. I will take no notice of any complaint unless made to me, and if I have authority under our laws, you may depend I will be on hand. I thank you for your kindness, and discipline is our only safeguard. If you see where I can act, I am at your command. My term of office will expire at this month, and God knows I am glad. I am disgusted with the conduct of the men who think they should lead the Irish people. But I think it is dangerous for decent men to associate with such scamps. Thank God, proxies no longer prevail.

"Faternally yours,

D. O. 16."

The next letter read by Mr. Mills was from Beggs to Spelman, and was dated Feb. 18, 1889. It was as follows :

"DEAR SIR AND BROTHER : Yours of the 17th received. I have not the constitution before me, and therefore cannot point out the section that would cover the matter complained of; nor am I prepared to say that the act mentioned was a violation of any written law; but that it was very unwise, and such conduct as is prejudicial to the good of the order, no man in his right senses will deny. It is just such acts that keep us continually in hot water. Why, in God's name, if men are sincere, will they insist upon opening old sores? The majority of our men believe the parties charged to be innocent of any criminal wrong, and to have the charges made continually that they are guilty, creates a bitterness and ill-feeling, and the man or men who continue to bring the charges are not the friends of Irish unity. What earthly good is done in continuing the old fight? What is the reason for it? I confess I can give no answer. If we are true men, as we profess, we will rather conciliate than keep up a war which can only lead to further disunion. The rank and file are sincere. They want peace, and the time is not far distant when they will

have it, even if it has to come to war. I am anxious for a better understanding among our people, and will do anything in my power to obtain unity. The matter I wrote of I would let pass, if I could, but I was ordered to notice it. Personally, I think it better not to notice such things, but I am only one. The men who are the power will in time realize the motives of those who are continually breeding disorder in their ranks, and a day of punishment will come. I am very much discouraged at the present outlook, but hope no trouble will result.

“Fraternally yours, J. F. BEGGS.”

This correspondence had only taken place after a most exciting scene in Camp 20.

The theory of the prosecution is that a trial committee in Camp 20 was appointed, and that Dr. Cronin was tried by it. That this theory is based upon street gossip rather than upon any firm foundation was shown by the failure of the State to establish that Cronin was tried by the Clan—a failure which was as marked as it was complete.





DR. PHILIP PATRICK HENRY CRONIN.

BOOK II.

THE BLOW IN THE DARK.

CHAPTER I.

P. H. Cronin in Chicago and St. Louis—His Birth and Family—Learning to Sing—Was He a Militiaman?—Two Sides to a Vexed Question—He Studies Medicine—Personal Traits—Cronin and the Cat—He Joins the Clan-na-Gael—Cronin and the Foresters—His Friendship for John Devoy—He Attacks the Triangle.

DR. P. H. CRONIN was a fine-looking, muscular man, with a clear, bold eye, a resolute jaw, and refined features of the best Irish type. He was born at Buttevant, near Cork, in the year 1846, and was taken by his family, while quite young, to Canada. In 1869 he moved to St. Louis.

He had a fine tenor voice, which he cultivated assiduously, and he became known through the town for his excellent singing. It was his magnificent voice which attracted the attention of R. P. Tansey, one of the solid men of St. Louis, and the president of the Transfer Company. Cronin had taken the first work he could find, and was at the time a porter in the wholesale house of J. H. Shields & Co. Tansey made him a conductor on one of the transfer omnibuses, and soon afterwards he was made city ticket agent of the new St. Louis and Southeastern Railway, and kept an office at the corner of Fourth and Walnut streets for a period of four years.

About the time he secured this position he became a member of the choir of the Second Baptist Church. Here he made many friends and acquaintances by his affable demeanor and exemplary deportment. He concluded he would like to go into the drug business, and got the Bagnall Brothers, prominent railroad build-

ers, to put up money for him. He opened a nobby store at the corner of Garrison and Easton avenues, and at once entered upon a course in the Missouri School of Pharmacy. This was in the latter part of the 70's. He took only a half course, when he concluded to study medicine, and after two sessions at the Missouri Medical College he came out an M. D., and the proprietor of a sheepskin. He opened an office at the corner of Easton and Garrison avenues, and was regarded as a specialist in throat and lung diseases. Later he sold the store, and the stock became the subject of litigation, running through all the courts. Moving down town, Dr. Cronin formed a partnership with Dr. McIntyre, and became quite well known as a secret-order man, being medical examiner in several societies.

About the year 1880 he went to Europe, being an honorary commissioner to the Paris Exposition. He was the originator of the St. Louis Legion of Honor, and was medical examiner of the Alpha Council. He was also a prominent member of the Royal Arcanum, Chosen Friends, and other secret societies. In connection with several other medical men he revived the old College of Physicians and Surgeons, and held the chair of professor of eye and ear diseases.

As to his Canadian experiences a great many stories have been told.

In the protest which Alexander Sullivan made against Cronin's appointment on the investigating committee which was to try the old Triangle, Sullivan said:

"I have further investigated his record and find that in civil matters outside of this organization he is also a perjurer. The record obtained from Ireland by William J. Fitzgerald, a solicitor at Mallow, recommended to me by Mr. Healey, shows that Cronin was baptized at Buttevant, April 20, 1844. Cronin has sworn that he lived at St. Catherines, Canada, until after the assassination of President Lincoln, April 14, 1865. The Capt. McDonald of No. 2 company, Nineteenth battalion of Canadian militia, of which this P. H. Cronin was a member, says that at its

formation in 1862 or 1863 he had P. H. Cronin in his company, or shortly after its formation. He was known as the singer Cronin. At the time of joining he took the oath of allegiance as follows: 'I swear I will bear true and faithful allegiance to her Majesty the Queen, her heirs and successors.' About 1863 positive orders were sent from the Government that every man had to take the oath of allegiance, and that there were none under his command who did not take it. The official records show that Cronin's father, John V. Cronin, was a British subject, and voted in Canada up to the time of his death, so that P. H. Cronin, until 1865 or 1866, when he left Canada, was a British subject, and if, as he claims, his father was naturalized in the United States before going to Canada, he voluntarily abandoned his American citizenship and resumed his position as a British subject, just as P. H. Cronin voluntarily swore allegiance to the British majesty, and became one of her loyal British militiamen.

"Yet this creature swore in his name as a legal voter in St. Louis, Mo., and voted in that city, as he confessed under oath. After coming to Chicago and residing here one year he sneaked down to Macoupin County, Illinois, doubtless being afraid of attracting attention in Chicago, and swore that he arrived in the United States a minor, under the age of twenty-one years; that he resided in the United States three years preceding his arrival at the age of twenty-one years. He professed to have believed that he was born in 1856 and not in 1844. But even if that were true, he was over nineteen years old when he left Canada, because he has sworn that he was yet in Canada when President Lincoln was assassinated and that he came to the United States in 1865 or 1866; yet he swore he resided in the United States three years preceding his arrival at the age of twenty-one years and thus secured his papers on the minor petition falsely sworn to."

As to the investigation which was made into his record and the method in which it was conducted, R. S. Iles, a lawyer whose office was in the same building with Cronin, made the following statement at the Coroner's inquest on Cronin's body:

"Some time in the latter part of spring or early summer of 1887 Dr. Cronin called at my office and said he wished to consult with me professionally on an important matter. I was busy at

that time, and he left word that he would call again. I met him later in the day, and we both went into the private office, where he told me he had evidence that convinced him that there was a conspiracy against him by certain parties in Chicago. He then proceeded to state that he had been called upon by a certain lawyer in town and requested to act as an expert witness in a case. Some damage suit, I believe it was, that had been brought in some other State. A subpoena was served upon him, and he went before a justice of the peace; I think it was either Lyon or Prindiville. He was asked a few unimportant questions in the examination in chief, but when it came to the cross-examination it was carried on at great length. The lawyer who cross-examined him went back into his private history and into a whole lot of matters that he considered did not pertain to the issue at all. He remonstrated occasionally himself, but he was nevertheless cross-examined in this way for an hour or two.

"Some time after he was again asked to testify, but the case this time was located somewhere in New York. He was taken before one of these justices and treated in the same way. Soon after that he received a letter from his sister in St. Catherines who said that two men had been there and said that it was on a matter of great importance to him; that it was in reference to some property that would be of great value to Dr. Cronin. He said from this fact and the nature of the cross-examinations to which he was subjected it excited his suspicions, and he wrote to New York and found that there was no such case in the courts of New York city as that to which he had been called upon to testify. I directed him to see if he could not get some facts that would locate the source of this conspiracy, and he told me the names of some of the parties he suspected. There were three lawyers, two of whom I remember distinctly."

"Please give the names of the lawyers to the jury."

"The lawyer that called upon him he said was named Starkey. I don't remember his initials. The attorney who cross-examined him was C. M. Hardy, and the attorney who acted for the prosecution was Callaghan. He did not place any great emphasis upon Callaghan's name, however. The names that he mentioned specially were Starkey and C. M. Hardy."

"What did Dr. Cronin say to you as to the conspiracy against him?"

"He said that he was convinced that there was a deep-laid plot to ruin him."

"Did he mention the names of any of the persons organizing the conspiracy or who were conducting it?"

"Yes. The man's name was Alexander Sullivan."

"Do you remember his words—what he mentioned in connection with Sullivan's name?"

"I asked him what evidence he had that would convict Mr. Sullivan, as he was consulting me about bringing an action against both him, Starkey and Hardy. He said Mr. Sullivan had a great enmity to him—that in fact they were sworn enemies. He said their enmity was brought about in a manner that just at present he did not care to explain; that Sullivan had for a long time been trying to ruin his reputation because of this, and had employed detectives to go to St. Catherines and shadow him everywhere, and lawyers to bring him up and cross-examine him in bogus cases with a view of getting something against him that would ruin his character. Dr. Cronin said that he was not afraid of his reputation, because that was clean; that he was not afraid of anything in that line, but that he did not propose to be hounded in that way. He finally closed his remarks by springing up off the lounge and exclaiming: 'Alexander Sullivan is as black as hell. He has tried to ruin my reputation, and, failing in that, he will seek my life.'"

"Did he say that he thought those attorneys were parties to that conspiracy?"

"Well, he thought they were employed to carry it out."

Here, then, are both sides of the charge.

However this may have been, Cronin was certainly a most popular man with all who knew him. Partly this is to be accounted for by his steady good nature and affability. It is a trait that shows his character, that he was very fond of animals. Once in St. Louis, while practicing medicine, a poor gutter-wandering feline, which was ugly and dirty and had a broken leg beside, was found near his office. The Doctor's first impulse was to end the poor creature's misery as painlessly as possible. Just as he was about to chloroform it and kill it, the poor beast stroked his hand with its paw. The caress affected him so much, that he

put the broken leg in splints and kept the cat for years, a prime favorite and pet in his office.

Cronin was always an enthusiastic Irish revolutionist. In St. Louis he had given proof of his attachment to the cause. He joined the Clan-na-Gael and was rapidly advanced to offices of trust in the organization.

Cronin came to Chicago in 1882 and rapidly made for himself a reputation and a paying practice. He was a member of a great many benevolent societies, the Foresters, the Royal League, and others, and few men in the short space of half a dozen years have made so wide a circle of warm friends.

He steadily continued his interest in Irish affairs. He was one of the stockholders, directors and editors of the *Celto-American*, a weekly paper devoted to the Irish-American cause.

He was not married and had no relatives in Chicago. His only sister, Mrs. Carroll, lives in St. Catherines, Canada, and he had a brother, John, engaged in farming near Fort Smith, Ark. He had two nieces in convents in Canada, one of them being Sister Mary Anselm, of St. Joseph's Convent, Hamilton.

Dr. Cronin was a very devout Catholic, and had letters from Archbishop Ryan, Gen. W. T. Sherman, and others, introducing him when he came to Chicago.

It was Dr. Cronin's connection with the Clan-na-Gael which brought him into contact with John Devoy, Luke Dillon, Edward O'Meagher Condon, and the other leaders of the anti-Triangle crusade in this society.

He cast in his lot heartily with these men, and seems to have been from the first one of the most eager opponents of Alexander Sullivan, Feeley and Michael Boland. His charges against them were made again and again, and the whole strength of his nature was thrown into the fight. Being one of the most combative of men, the bitterness which soon arose may be guessed at.

Luke Dillon's evidence at the inquest throws much light on this trouble:

"You speak," said the Coroner, "about a trial having been held in Buffalo, N.Y. When was that trial held?"

"About one year ago."

"Who were tried?"

"Alexander Sullivan, Dennis C. Feeley of Rochester, and Col. Michael Boland of Kansas City."

"What were the charges against them?"

"There were two sets of charges, one brought by one John Devoy, charging them with spending \$128,000 without the permission of the home organization, notwithstanding their agreement with our organization to spend no money without our sanction. My charges were that they had spent \$87,000 and had failed to account for it. The charges extended over two years, I think, from 1885 to 1887."

"At the gathering of that trial committee you stated that Mr. Sullivan objected to Dr. Cronin serving on that committee?"

"Yes, on the ground that he was not a gentleman — that he was a personal enemy, and other more abusive charges, which I failed to remember."

"Did the trial proceed?"

"Yes, the trial proceeded, notwithstanding his objections."

"Did Dr. Cronin act as a member of that committee?"

"Dr. Cronin acted as a member of that committee in the capacity of a juror."

"Can you give this jury any information why Alexander Sullivan should be an enemy of Cronin?"

"I can't give any reason except that of personal revenge."

"For what?"

"The enmity he bore the man. Because the man found him guilty of crime and thievery and treacherous conduct to the members of the organization."

"By this man you mean ——"

"Cronin."

"At the time of the existence of the so called Triangle, com-

posed of Sullivan, Boland and Feeley, did you know of their betraying any members of the order?"

"No; but I believe men have been betrayed."

"Could these men, do you believe, have been betrayed except with the knowledge of the executive or except through information furnished by the executive?"

"No. They could not otherwise have been betrayed."

"And men were betrayed, you say?"

"I believe so."

"Were these men known to anybody outside of the Triangle?"

"They were not supposed to be known."

"If known, where would those outside of the Triangle have got their information?"

"The executive."

"At the time they were betrayed, who formed the executive?"

"Alexander Sullivan, Dennis C. Feeley and Michael Boland?"

"Have you heard from any members of the order that Dr. Cronin had charged, at any trial which has taken place, that Sullivan had anything to do with betraying members of the order?"

"No, I don't think the Doctor ever charged that against Alexander Sullivan, but he has told me that he believed that men had been betrayed through the intimacy existing between Alexander Sullivan and Le Caron."

With such charges as these being made, and with counter charges equally bitter coming from the other side, no one will wonder that there had been a serious split in the organization.

When, later, the body of the dead man was found, John Devoy charged that there was a general conspiracy to murder the anti-Triangle leaders. Said he:

"There are many thousands of Irishmen in America who will have no doubt as to the murderers. No matter who the thugs were who did the killing, those who incited them to the murder

are easily placed. If the police of Chicago do their duty, the murderers will be promptly arrested, and I have no fear of the gallows being cheated. Dispatches have been published from Chicago stating that Cronin was 'the leader of the radical section of the Irish Nationalists; that he had many bitter enemies among the moderates and that he was a personal friend of Le Caron, the British spy.' The statements contain a clew. Nobody knows better than the Chicago journalists that Cronin was a man of moderate views on Irish affairs, and that his only enemies were among a set of self-styled radicals who trade on Irish nationality, and whose insincerity Cronin had exposed. Moderate men do not commit murders. The moderate men of Chicago had no quarrel with Cronin. Other people had, and had threatened his life and the lives of others more than once. Le Caron, the British spy, swore before the Parnell Commission that he was a member of a trial committee which expelled Cronin from an Irish organization for treason. That evidence has been published, and it shows how much of a 'friend of the British spy' Cronin was. This statement about his being a friend of Le Caron and a radical, is not made innocently, but for a purpose. The public will understand now why I resented being called a traitor by Patrick Egan. Calling a man a traitor in the Irish national movement is an incitement to his assassination. Cronin and others, including myself, have been called 'traitors' behind our backs for three or four years. If Cronin has been murdered, the men who called him traitor are his murderers. It is about time this question of traitors was investigated. I hope the Cronin matter will lead to such a thorough and searching investigation that the real criminals will at last be brought to light, and that justice, long cheated, will at last send them to the gallows.

"The charges preferred by me against Alexander Sullivan, Michael Boland and Dennis C. Feeley, and which were referred to by Luke Dillon, of Philadelphia, in his testimony before the Coroner in Chicago, related solely to the funds and the manage-

ment of the Clan-na-Gael. I have never made any charges against any one living or dead in connection with the Land League or National League funds. Yet the report of the committee was delayed for months on the pretense that its circulation among the members would aid the London *Times* in its case against Parnell. That statement was industriously circulated for the express purpose of creating a feeling against those who made the charges and who favored the placing of the evidence before the members. Worse than this, Mr. Parnell was informed that I was making charges of misappropriation of Land League funds for the express purpose of helping the London *Times*. The idea that those opposed to financial and political dishonesty, to fraud and pretense of patriotism, were either themselves in the pay of the British Government, or were tools in the hands of a spy, was sedulously fostered, so that investigation might be stifled and the worst set of knaves who ever traded on a good cause might be left free to continue their evil work.

"The published interviews with Alexander Sullivan, Patrick Egan, Dennis C. Feeley, Gen. Kerwin and others, and the private speeches of Michael Boland, had all the same purpose—to fill the minds of unthinking men with the belief that a traitor was in their midst. These published interviews showed the existence of a conspiracy to defame, and defamation in that sense, among Irishmen of extreme views, is an incitement to murder. Cronin's murder was preceded by several years of persistent defamation. The public courts were prostituted to the vile purpose, and public officials and lawyers lent themselves to it for pay. Private detectives and a lawyer of bad character were employed to scour this country, Canada and Ireland for evidence, good or bad, to blast his reputation. The men who paid for all this dirty work could not afford the money from their own pockets. Where did they get it, and for what purpose did they want the evidence?

"Cronin's life had been repeatedly threatened because of his action in connection with these charges of dishonesty. Is it un-

fair or unreasonable to claim that the men who hounded him to death are morally responsible for his murder, even if their direct complicity in the actual perpetration of the crime can not at present be proved? I have no hesitation in expressing my belief that there exists to-day a conspiracy to murder a number of men, of whom I am one; that, although the men engaged in it are few, they live in various parts of the United States, and are now engaged in a desperate effort to suppress the evidence that would convict the murderers of Cronin."



CHAPTER II.

Alexander Sullivan—In Detroit and Chicago—His Character and his Friends—The Hanford Case—His Work for Ireland—How Sullivan is Regarded in the Old Country—Davitt and Parnell—Sullivan and Egan—Blaine's Friendship—The Charges at Toronto—The Newspaper Attack—Fair and Unfair Criticism—Paying off Old Scores—Cronin's Circular as a Text.

A NEAT, rather small-sized man, always dressed most accurately in black, always clean-shaven, always courteous and always pleasant, is Alexander Sullivan. He has almost a clerical appearance. His face is a striking one, more perhaps for the eyes than for any other feature—a dark, piercing and magnetic pair they are. Nobody ever came into anything like close relations with Alexander Sullivan without liking him thoroughly or hating him thoroughly. He is a most positive man, a powerful man, and one who out of the very nature of things was born to be a leader.

Sullivan was born in Maine, but moved early to Detroit. After working for some time in a retail boot and shoe store, he started in business for himself in the same line, but was burned out, and then went to Santa Fe, N. M.

He was poor, and worked on a paper at Santa Fe for awhile. Then his talents brought him to the front, and in the latter part of 1867 he was appointed Postmaster at the ancient city of Santa Fe. In 1868 he returned to Michigan, and took the stump for Gen. Grant, who was then running for President for the first time. Being a forcible and entertaining talker, he made a record for himself. In June, 1869, Grant appointed him Collector of Internal Revenue for the Territory of New Mexico. He was removed as Collector in September, 1870, and was succeeded by Gen. Gus-

tavus Smith of Decatur. He purchased the *Santa Fe Gazette*, a weekly Democratic paper, in September, 1869, and ran it as the *Santa Fe Post* until 1871. It was independently Republican in politics.

In the spring of 1870 Sullivan had a shooting affray with H. H. Heath, then Secretary for the Territory. Neither man was hurt, although Sullivan emptied his six-shooter at Heath, and the latter returned the fire. The shooting was the result of a publication denouncing Heath, which, it was claimed, had been inspired by trouble over a woman.

The newspaper was finally a failure, and Sullivan left Santa Fe, going to Washington, and, finding nothing in store for him there, drifted to New York, and in 1873 came to Chicago. Here he obtained employment successively on the *Evening Post*, the *Inter-Ocean* and the *Times*. He was employed upon the *Times* as political reporter. The campaign of 1873 was a very bitter one. It was the fight between the Hesing-O'Hara combination, as the people's party was called by its enemies, and the law and order party, in which the former won by 10,000 majority, Dan O'Hara being elected City Treasurer over David A. Gage, and H. D. Colvin Mayor. Hesing's paper, the *Staats-Zeitung*, was the only paper in the city which stood up for the people's party.

At Dan O'Hara's request, Sullivan was made Secretary of the Board of Public Works in less than a year after his arrival in Chicago. Hesing was furious over this appointment, and he denounced all who had a hand in it.

In 1874, Mr. Sullivan married Miss Margaret F. Buchanan, who was a writer for the *Evening Post* and the *Times* among other papers, and whom he had first met when he was a school teacher in Detroit. Mrs. Sullivan is recognized as one of the most brilliant editorial writers in America.

The killing of Francis Hanford, principal of the North Division High School, on the evening of August 7, 1876, is historic.

The shooting caused a tremendous excitement in the community, and the subsequent trials of Sullivan attracted universal attention. The causes which led to the killing of the school principal are to be found in the history of the Board of Education about that time. The *Times* thus reproduced the history of the affair:

"Mr. Hanford had been Assistant Superintendent of Schools, but he was superseded by Duane Doty, of Detroit, a great friend of Mr. and Mrs. Sullivan, and sent to the North Side schools. He felt his reduction in office very keenly, and his friends ascribed the change to the influence of the Sullivans. Mr. Hanford himself wrote a letter to Alderman Van Osdel, Chairman of the Committee on Schools of the City Council, objecting to the confirmation of certain appointees of the Board of Education. This communication, although a confidential one, Van Osdel read in the City Council. Sullivan, who was Secretary of the Board of Public Works, was present in the lobby.

"Hanford's letter, among other things, contained the following language about Mrs. Sullivan: 'The instigator and engineer-in-chief of all deviltry connected with the legislation of the board is Mrs. Sullivan, wife of the Secretary of the Board of Public Works. Her influence with Colvin (the Mayor) was proven by her getting Bailey dismissed and her husband appointed in his stead.'

"Sullivan at once obtained a copy of the above paragraph from the letter, and started for home. He ordered a carriage at Huber's livery stable, on State Street, near Oak, and a short time afterward started from his house, 378 Oak Street, for Hanford's residence. In the carriage with Sullivan were his wife and his brother, Florence T. Sullivan. Hanford then lived on Oak Street, between Clark Street and La Salle Avenue, on the north side of the street. His wife and children were seated on the front steps, watching Mr. Hanford water the little grass plot in front of the house. He was thus engaged when the Sullivan party drove up. Alexander Sullivan and his brother stepped out on the sidewalk. Mrs. Sullivan remained in the carriage. Sullivan, walking up to Hanford, demanded a retraction of the letter, and followed up his demand with a violent blow on the face. Hanford fell bleeding. When he regained his feet and struck back, Sullivan drew his revolver and shot Hanford, the latter dying thirty minutes afterward."



ALEXANDER SULLIVAN.

[143]

Mrs. Sullivan and Florence T. Sullivan then went home in the carriage, Alexander having been taken in charge by a policeman who had arrived on the scene.

Sullivan was tried twice for murder. The first trial took from Oct. 16 to Oct. 27, 1876, and resulted in a disagreement, the jury standing eleven for acquittal and one for conviction. In this trial he was defended by Leonard Swett, W. W. O'Brien and Thomas A. Moran. Charles H. Reed prosecuted. The second trial, in which he was defended by Leonard Swett, Emory Storrs, W. J. Hynes and Thomas A. Moran, took place in March, 1877. Luther Laffin Mills prosecuted. The jury, after having been out a few minutes, brought in a verdict of not guilty.

Sullivan was placed on the stand in his own defense. In the course of his statement he told the following story of his life:

He was born in the city of Waterville, Me., and was married in the city of Detroit Nov. 24, 1874. He first became acquainted with his wife in 1867, when he was keeping a retail boot-and-shoe store in Detroit and his wife was a teacher in the Detroit public schools. His wife had come to Chicago in 1870 or 1871, and had first worked in the Harper bookstore and afterward on the *Evening Post* and other papers. He did not come to Chicago himself until the spring of 1873. Prior to coming to Chicago and after leaving Detroit he had lived in New Mexico. He had gone there in 1869, and had been made Collector of Internal Revenue in 1869 by President Grant. Besides being Collector of Internal Revenue in New Mexico, he was at times postmaster and editor of a paper. From New Mexico in 1872 he went to Washington, from Washington to New York, and from New York he came to Chicago, arriving here in the spring of 1873. He worked on several different papers inside a few months, and before he was a year in the city, he testified, he was made secretary of the Board of Public Works, which he held until he killed Hanford. On cross-examination Sullivan testified that he had been shot at in Detroit, but had never fired at any one himself. Since coming to Chicago he had a row with John J. Fitzgibbon and had a revolver with him at the time, but did not use it.

In 1879, having in the meantime been admitted to the bar, Sullivan began to take great interest in Irish politics, in which the rising influence of Parnell and the demand of the people of Ireland for land reform seemed to promise something definite for the Irish people. In 1883 he was elected president of the Land League. In 1884 he took the stump for Blaine. Since then he has not exerted himself much except in Irish affairs and to have Patrick Egan appointed Minister to Chili, an appointment which is universally credited to Mr. Sullivan's great influence with James G. Blaine.

Many outsiders, only knowing of Sullivan's arrest after the inquest and the proven bitterness which existed between him and Cronin, wonder why, in spite of the public clamor, the great body of the Irish people clings to its belief in his innocence, and will have nothing to say to the charges and arguments brought against him. The reasons as given by Sullivan's friends are these :

Sullivan's leadership of the Clan-na-Gael was wise, conservative and effective. From first to last he has been the target for all the abuse which the English press and Parliament could heap upon him. The London *Times* has for years been more bitter to this man than the Chicago press in its first paroxysm over the verdict of the Coroner's jury. It was Sullivan who has been the mark for Scotland Yard; at him the spies and detectives have been steadily played. His whole life has been subjected to an almost microscopic examination, but absolutely not a single charge has been made to stick.

The killing of Hanford was a deplorable thing, they admit; but Sullivan is a passionate man, and his wife had been grossly insulted. Out of two juries but one single juryman sought to convict him of murder.

Other charges have been pushed with the utmost acerbity only to come to naught. The investigation at Buffalo and New York, decided for him after a careful scrutiny of the indictment brought against him in the Clan, and many believe it was per-

sonal rancor, rather than a lofty sense of patriotism, which inspired the minority report, and reopened the split in the organization.

Those who were shown the statement of the Triangle were satisfied with it, and these were men in whom the Irish-Americans cannot help having faith.

It was said that Mr. Sullivan had operated with the funds of the Clan, and had lost them. After a most amazing and unprecedented inquiry, it appeared that he had lost \$5,000 of his own money.

It was declared that he had obtained \$100,000 Land League moneys from Patrick Egan, under threats, and immediately proven that he had done nothing of the sort.

The Irish feeling is that the greater part of the fight that has been made against Alexander Sullivan has been animated in England. His adherents believe that the elements which are seeking to crush him are the same elements which have been crushing them. They believe that Sullivan has been marked down as a victim, and they will not desert him until his guilt is shown beyond a doubt.

And his friends finally assert that no sane man can deem him guilty of the murder of Dr. Cronin who will treat the facts candidly. Granting that he hated Dr. Cronin, and wished him harm, his was not the character, they maintain, to go in this way about his revenge—supposing that he wished revenge after an investigation which cleared him and the others of the old executive.

Certainly there was no subtle brain, nor any skilled hand, in the plot of death. Cronin was butchered in such a fashion that the assassins actually blazed the path by which detection must follow them.

Taking the theory of the State, and admitting it from first to last to be true, look at the facts. Two men hire the Carlson cottage, and act in such a manner that their identification will be assured, and their relations with the iceman, O'Sullivan, certainly known. The detective, whose part of the conspiracy is to get the

buggy, gets one after such a fashion that suspicion must be roused at once. The man who drives the buggy leaves one of O'Sullivan's cards at Dr. Cronin's office in order more clearly to fix the iceman's complicity.

Next, the murder being done, the body is stripped and cast into a catch-basin, where it must shortly be found, and the clothes are bundled into another hole where their discovery is only a question of time. The blood-stains in the cottage are accentuated with paint.

Can anybody conceive a more stupid conspiracy?

Remember, too, this murder is imputed to men who knew, as well as they know their own names, that upon Cronin's disappearance his friends would direct suspicion toward them.

There is no doubt that Sullivan enjoys the confidence and esteem of the leaders in Ireland, and throughout the crisis their belief in him has never wavered. Egan is his friend; Davitt is his friend; Parnell is his friend. Indeed, so outspoken has Davitt been in his expressions of confidence in the ex-President of the League, that he has drawn down upon his own head a part of the newspaper attack.

The newspapers of Chicago without exception have joined in an attack upon Sullivan and all who in any way support him, a fact which has been no small element in keeping the Irish people in line with the "Triangle," so called; and they have naturally resented the indiscriminate assault, believing that much of it was rather a paying-off of old scores than just or fair newspaper comment.

On the other hand there probably never was a mystery more magnificently handled by the press of any city than was the Cronin murder by the Chicago newspapers. From first to last it was the press that made the case. The police were distanced in the race for news, and surprise after surprise was scored morning after morning in the columns of one journal or the other. It was

the reporters of Chicago who uncovered the conspiracy and really wound the chain of evidence about the prisoners in the dock.

The report which Dr. Cronin had made of the investigation at Buffalo, as summarized from his loose notes, was read to the Coroner's jury and made the text for many of the statements that followed. After reciting Sullivan's objection to Cronin's sitting as a judge in his case, the Doctor said that he thought it very strange that Mr. Sullivan should speak thus of him as a malignant enemy; that he (Cronin) had never criticised Sullivan personally as an enemy; that his actions were directed against men who he was given to understand had wrecked the organization, and that Sullivan was one of them. He said that he never followed Sullivan for the purpose of injuring him, and that if Sullivan believed everything told him by gossip, he (Cronin) could not help it. "Indeed, why should I be an enemy of Sullivan?" asked Dr. Cronin. "What has he done to me that I should, as he says, single him out for a personal enemy?"

As regards the newspaper editor (Devoy), Dr. Cronin said that he believed that Sullivan could not prove his statement that he (Dr. Cronin) had evidence sufficient to prove everything that he had written. He believed that Mr. Sullivan would not make an affidavit of his statement in that regard.

Dr. Cronin goes on to write: "To this Sullivan replied that he did not want to make affidavit, and that the creature (referring to me) ought not to be allowed to sit as one of his judges; that he (Sullivan) could prove by a dozen men that I could not be believed under oath, and that I was an expelled member of the order."

Dr. Cronin said that it was evidently Sullivan's intention to intimidate the committee. Sullivan said that he did not want to intimidate the committee; and Dr. Cronin then said: "Well, you probably mean to intimidate me. That you can not do, sir, and you ought to know it by this time. All the objections you have read were made by the convention, and by the unanimous vote of

the convention this committee was selected. I am here the peer of any one so selected by that convention, and am prepared to do my duty by the body that created that committee." Mr. Sullivan took his seat, and the chairman asked that the committee retire. Upon a vote being taken the objections raised against Dr. Cronin were overruled by the votes of the chairman, Burns, Rogers, McCahey, and Cronin himself. The secretary did not vote, and when the result was announced the trial was proceeded with.

In the course of the trial it was shown that, while \$87,000 had been claimed and expended for active work, no vouchers were shown or presented to show that money had been expended. There was a lot of testimony taken showing that men had been dispatched on dynamite missions to England, and that such of them as had managed to escape English prisons returned to America in a condition of abject poverty, some of them having had to pawn their clothes in order to get back. The largest sum given to anybody appeared to be about \$100, and the charge of the widow Lomasney's suffering and Alexander Sullivan's refusal to aid her, alleged to be made by herself, was a most remarkable one.

Father Dorney and Florence Sullivan, the dead brother of Alexander Sullivan, were mentioned as the members of the Clanna-Gael who were fraudulently sent to the Boston convention to represent Sullivan and Tim Crane, who were not elected at all. The Boston convention, it was charged, had been packed in the interests of Sullivan. Properly elected delegates had been excluded.

Father Dorney's name was mentioned frequently as an active member of the organization, and when this fact was clearly announced in court and the statement made that he had once gotten into trouble with his bishop over the matter, it created considerable excitement.

CHAPTER III.

More Tales of Camp 20—Beggs' Speech—What Coughlin Said—O'Connor's Firebrand—A Stormy Meeting—Was a Life at Stake?—Why Feeling Ran High—Charges of Treason—Irish Opinion—Reasons pro and con—Cronin's Friends to the Rescue—Clearing the Memory of the Dead—The Peculiar Features of the Debate—But One Side yet Heard—Guesses at the Private Defense.

AT LAST we can leave all inferences and conjectures, all arguments and rumors, and come down to the solid facts of this romantic tragedy as it was uncovered step by step in the investigation that was made. Capt. Tom O'Connor was the first who threw any light on the doings in Camp 20, after Le Caron's sensational testimony had been given in London. O'Connor is an interesting figure in the case. He is a most thoroughgoing revolutionist of the more radical school, and he was at one time appointed to go to England upon a secret and dangerous political mission. His story of the request that was made to him is characteristic:

"Did you consult with anybody about doing this work?"

"I did. I consulted with Dr. Cronin."

"What did Dr. Cronin say?"

"Well, he said, after we had talked the matter over, that there were enough good, honest Irishmen behind English bars now; that I had better get out of it, and that he did not believe in the policy of dynamite anyway."

"Did you take the Doctor's advice?"

"I guess I did."

"How was this request brought to you, Mr. O'Connor?"

"Well, it was brought by a gentleman who walked into the office about 10 o'clock in the morning, who handed me his card

when he walked in. I read the card over, and he introduced himself. We had quite a long talk, and then he told me that there were some men going across the water, and that the chances were that I would be called on too. We talked the matter over, I showed him over the building, we went out and had a cigar, and then he made an appointment with me for the evening. He kept his appointment, and we had a long talk about several matters. This was on a Monday, and then he made an appointment with me to meet him the following Wednesday. He said he would call about 8 or 9 o'clock Wednesday morning. I spoke to the Doctor in the meantime, and, coming down town that Wednesday morning I met him again, and we both walked down. As we passed the Sherman House, I saw the gentleman standing on the steps. I stopped to speak with him, and bade the Doctor good morning. The gentleman asked me who the man was that I had just done with. I told him it was Dr. Cronin, one of my best friends. The very moment the name was mentioned, he seemed to know him, his demeanor toward me changed, he said that he had some appointment, and that he could not see me until the afternoon, and I have never seen him since."

Before O'Connor's bombshell was exploded in Camp 20, however, it will be more logical in order of time to show the circumstances that led up to it. Dr. Cronin, at a meeting of his camp, at which O'Connor was present, made a statement as to the result of the Buffalo investigation, which he accompanied with the report of the minority of the committee reiterating the charges against the old Triangle. To the Coroner, at the inquest, J. D. Haggerty, who was at the meeting, described Cronin's speech and its effect upon the gathering. All that the Doctor knew or suspected he brought forward openly, and the result was just such a sensation as might have been expected.

Camp 20 of the Clan met on February 8th, a few days after the other meeting, and Capt. Thomas F. O'Connor was present, and

he mentioned the fact that the report of the investigating committee had been read at the other camp.

This at once raised a storm, because every member of the organization was intensely interested in knowing the result of the investigation, of which all recognized the importance.

Andrew Foy, who was at the meeting, was subsequently examined under oath:

"Were you present at a meeting of that camp on the 8th of February, this year?"

"I think so."

"Do you remember making a speech on that occasion?"

"I may have said a few words, but I don't remember of making a speech."

"Did you speak or talk in the camp?"

"Yes; I guess so. I cannot remember exactly what I did say, but I can give you the substance."

"That is all we care for."

"The substance of my remarks, of course, was that some kind of a statement was made that the informer Le Caron had testified in England before the Parnell Commission, that there was—well, I cannot tell exactly; and I want to bring it down to the point, and I want to be led in the matter because I have not a good memory to state these things. But the general substance of the matter was pretty pertinent to the question that this Le Caron was engaged by the executive body of our organization for a certain object, and a certain sum of money, of our funds, was given to Le Caron to do certain work either in England or Ireland—that was not specified. I don't know exactly the amount. So far as I remember, it was \$28,000 that he got for the matter. A statement was made by another member of the camp, I think, to this effect. We had a discussion over the matter, and I felt, I suppose, like a good many others. I didn't understand how—"

"Have you repeated what you said?"

"No—what others said," replied the witness; "what Captain O'Connor said."

"Was there any reference to spies in the camp?" asked Judge Longenecker.

"I said if there were any in the camp they should be expelled."

"What did you say about Le Caron being in the order?"

"I didn't say anything about Le Caron; I never knew the man."

"What did you say as to Le Caron testifying?"

"I don't know anything about that; I know the press made a statement that he did."

"Didn't you quote that in your speech that night?"

"I don't remember; I may have."

"How long did you talk there, Foy?"

"I generally talk about two or three minutes until I am wound up, and then I go."

"Now state, Mr. Foy, if you can remember any portion of Captain O'Connor's speech at that time?"

"The principal and most salient portion, as far as I remember, was the fact—at least it impressed itself on my mind then—that Le Caron, who I suppose the majority of the audience—"

Here the witness was brought up with a round turn by the Judge, who told him he was not in a public meeting and should address the jury.

"I am stating it with truth as far as I remember," continued Foy. "That Captain O'Connor made a certain statement that this Le Caron, who was a witness before the Parnell Commission at that time, was a paid agent of the executive body of the Irish National organization in this country."

"Well, what else did he say about using the funds?"

"I have it in my memory very strong that it was \$28,000, but I am not positive whether it was \$18,000 or \$28,000—that \$28,000 of the funds of this organization were given to Le Caron

for some object in England or Ireland, which he did not specify, but I got the impression that it was to be spent in England."

"Who did he charge with this—the executive body?"

"By implication he did, I think; he didn't charge any one directly."

"Did he speak, then, as having heard the report of the trial committee read in another camp?"

"Yes, sir."

"Didn't he say he got his information from that report?"

"That is how I understood it—that he got it from the report he heard read in another camp."

"You said there was excitement and quite a scene."

"I will say that I felt quite excited myself over the statement made by the brother."

"State what you mean by excitement."

"I felt a kind of hot, gentlemen, if you will allow me to say so."

"How about the others being hot?"

"I suppose a good many felt like I did; I can't swear to that."

"What were you hot about?"

"About the statement that Le Caron got any of our funds to spend for any object, I don't care what, in either England, Ireland or Scotland, and also the statement that what would not be given to our camp would be read in another. I think that was the salient point of it."

"As soon as Foy had finished his speech at that meeting of Camp 20, on February 8," said Capt. Thos. F. O'Connor on the witness stand subsequently, "I arose to my feet, and I stated that I was not at all surprised at hearing the gentleman talk as he had done; that I knew by positive information that the organization was run by a parcel of rogues known as our executive body; that they had squandered our funds even to the extent of \$100,000; and not alone that, but they sent our best men across to England to have

them put behind British bars; and now I state positively that Le Caron was an agent of our executive body and received pay from them. At that moment I was interrupted by two or three brothers with a demand to tell where I got my information. I did not like the first brother who spoke to me and I said: 'You demand nothing.' Then there were two or three others that demanded to know where I got my information, and there was a general uproar at the time. So I turned around to the Senior Guardian and I said to him: 'If the Senior Guardian demands of me where I got my information, I will tell him.' He did not say anything. Then there was more uproar. I turned a second time and a third time, and said if the Senior Guardian would demand of me where I got my information I would tell him. Then I stated I had heard a terrible report of the entire trial committee in Buffalo, and that I had also seen a written report, 300 pages of close-written long hand about the trial, and that I was positive of my statement. At that instant Daniel Coughlin, a member of the camp, arose to his feet and said: 'Mr. Guardian, I move you that a secret committee of three be appointed to find out the source of Capt. O'Connor's information.' Those were his words. Then there was some one else on his feet, and the Senior Guardian rapped the camp to order, as it was such a tumultuous time—such turmoil—and somebody spoke, and he said: 'I will hear no more of this subject, and I will appoint a committee.' That was all."

"Who was the Senior Guardian at that time?"

"John F. Beggs."

"Do you know the names of the persons who demanded to know where you got your information?"

"Mr. McNulty, Brother Ironton, John Curry, and Tom Murphy."

"The Treasurer of the camp?"

"Yes, sir."

There was a reunion on February 22nd, at which representatives from the different camps were present. Here is Anthony I.

Ford's account of what occurred there. Ford had been Senior Guardian of Camp 20, and was then Post Guardian:

John F. Beggs presided and McGarry and O'Byrne had seats on the platform beside him. When the regular business was over Beggs called John S. Mullen to the chair.

"Did you hear any speeches made by visiting members at that meeting?"

"Yes, sir."

"Did you hear Patrick McGarry make a speech?"

"Yes, sir."

"Did you hear Richard Powers make a speech?"

"Yes, sir."

"They were not members of that camp?"

"No."

"Visiting members?"

"Yes, sir."

"What was the substance of McGarry's speech and Powers' speech? What did they talk about?"

"They were attacking the 'Triangle, as they called it."

Ford went on to state that the reunion meeting referred to was composed of representatives of various camps in this city. Beggs presided and called McGarry and O'Byrne beside him, placing one on his left and the other on his right. These men were Senior Guardians of other camps. The exercises consisted of singing and recitations, besides the speeches. Before the singing began Beggs resigned the chair and called upon John S. Mullen to preside. The speeches of McGarry and Powers were made while Mullen was in the chair.

"Do you remember their speeches were a direct attack upon the old executive board, in which they charged the misappropriation of money and with giving away and incarcerating patriots to the cause, in England, and things of that kind?"

"That was the drift of their speech."

"Now, I will ask you, after they got through with their

speeches, whether or not a call was made upon Mr. Beggs for a speech?"

"Yes, sir, there was."

"I will ask you whether or not Mr. Beggs did not say this in substance: 'Gentleman, I am a little surprised that after the convention took charge of this matter, and a committee was appointed to investigate, and before that committee has reported, that you will insist upon carrying on this fight or contention. So far as I am concerned I am determined this society shall be in fact what it is in name, a united brotherhood,' or words to that effect? And did he not further say: 'Peace must be restored in the ranks,' and that they were united by reason of the action of this convention, and peace should be had if it had to be brought about by war, or words to that effect?"

"Words to that effect; similar to that."

At the meeting of February 8th, according to other testimony, a committee was appointed "to investigate the rumor" (as to the report read by Dr. Cronin) and report the same to the camp. It is out of this material largely that the death of Dr. Cronin was imputed to the Clan-na-Gael.

And that the reader may understand it all the more clearly, I will here marshal briefly all the facts as far as they are proven or even suspected.

Alexander Sullivan, Feeley and Boland had been put in charge of the affairs of the brotherhood, and their management had been fiercely attacked by a strong and respectable element in the Clan, and as stoutly defended by a much more strong and an equally respectable party. The result was a complete split in the order, and a complete frustration of any possible revolutionary activity.

It was recognized that this sort of thing could not go on. A rapprochement was attempted, and at a joint convention a committee was appointed to try the charges.

This committee was made up of representatives from each

party, Dr. Cronin being one and Dr. McCahey being another, as I have already stated, and the trial was had. The result did not help things. Each side stood as it did before. The investigating committee, by a majority of one, exonerated the old executive; but against this finding a minority of the committee protested, agreeing upon a minority report, and it was this minority report which Dr. Cronin read to his camp in Lake View.

Of course under the circumstances feeling ran high. The Clansmen had hoped that all the differences between the two great bodies would be accommodated; and here was the old trouble made fifty times worse, and put in such a fashion that union became impossible, unless the great majority of the brotherhood would consent to sacrifice Sullivan, Feeley and Boland, and devote them to ruin and disgrace, in order to conciliate what was known as a minority of the order, and what many regarded as a rancorous and unjust minority.

The more serious charges had been completely disproven, and not one charge had been proven. How could the man in whose hands was the revolutionary war-chest produce vouchers for his expenditure? This was a secret service fund, to be administered in confidence, and the general feeling was that the money had not been improperly spent.

Dr. Cronin's persistent attack on the old Triangle had converted many to his side, and had confirmed many others against him. People did not know what side to believe, and they ended usually in believing that both sides were wrong, and that peace would not be restored until the men who were responsible for the quarrel had withdrawn on both sides from leadership in the movement.

That there was treachery at work in the ranks was certain, but where the treason lay no man could say. Le Caron was uncovered; but the British Government would not have thrown him away unless they had other avenues of communication into the interior of the Irish-American conspiracy. For a long time

the hunt for the sources of information was continued, but without results. It would be an affront to the intelligence of the reader to attempt to mitigate or soften the fact that by one section of the Irish revolutionary organization Dr. Cronin was regarded with suspicion. One of his letters, written to a friend in New York (presumably but not certainly John Devoy), goes to show his side of the story of the manner in which he was being investigated.

A part of the facts have been stated in another chapter, but this is Cronin's account of the investigation:

"At last I have something of interest to communicate, and an urgent request to you for aid in something that may bring Aleck out of his hole as a persistent persecutor of myself and others through his malicious story-telling and attempted boycott. The facts are about as follows: Some three weeks ago I was called upon by an attorney whose face was somewhat familiar. He told me that he had a case of malpractice against a physician to adjust, and that an amicable settlement was looked for, etc. His call upon me, he said, was to ask that I be one of the experts to whom was submitted the case. I, of course, consented to act in the matter, and went to the justice's court on the day appointed. No other physician was there, but by arrangement of the two lawyers present I was made the sole arbiter. After being sworn I was put through a variety of questions by the opposing attorney—questions that seemed a little harsh, yet not unusually so, in a case where the lawyer would try to 'down' the doctor. In a few days I received my fee by letter, in which the lawyer (Starkey) who engaged me said the case had been adjusted.

"About a week passed, when I was called upon by the lawyer who had so mercilessly questioned my evidence, and was told that a case in New York—that of an exorbitant charge on the part of a physician—had come to him for settlement, and I was requested to act as referee by 'mutual' consent, etc. Not suspecting anything, I went to the court (justice's), and after going through a series of questions from my lawyer (?) I was set upon by C. M. Hardy, of whom I had heard but did not know, though he has the reputation of being one of the keenest cross-examiners in the city. To all his questions I gave ready answers, parrying

his repartee as best I could; but I was perfectly astonished at the scope of his inquiries. He commenced at my birth; where I had been from the time of my landing as an infant at New York; what I had done at various places, and, finally, pushed a baptismal record at me and asked if it was mine. All at once it struck me that this must be a sequence of the inquiries made at all my abiding-places on the continent, by some persons unknown to me, last May, who represented to my friends everywhere that I had been left a fortune in Winnipeg, which only upon a thorough identification could I obtain; I therefore let the fellow go as far as he could, as I saw there was a stenographer taking down my answers, for I knew I would be asked to sign them if required for a New York court, and could detect any falsification to my answers. To my astonishment the stenographer (who was unknown to me) went out to return no more, while the legal lights said the affair would be 'satisfactorily arranged,' etc. I kept my own counsel and did not let them suspect that I was onto an important clew through the effort to draw me out.

"The next day I called upon Callaghan, my lawyer, and, lo and behold, found him in company and occupying the same office with Starkey and Hardy. At sight of me Hardy left the room, while Callaghan said that Starkey had gone East. I then asked the title of the first case, and have ascertained there was no such case here. As to the second, Callaghan told me that it was in the Surrogate Court of New York, and would be finally settled on the 27th of this month. He said the Judge there thought the claim for medical services on the part of the Doctor (\$250, which had been disputed by a guardian of a ward of the court) too high, and he had sent to Chicago—the home of the young lady—to have the affair tested, etc. The whole thing seems very lame to me, and I wish you would go to the Surrogate and see if there is such a suit as 'Dr. E. G. Harlin vs. J. B. Wilson,' ascertaining if there is such a doctor in your city, and, if there is such a case, ascertaining if it was not put on the docket by Starkey (who, I suspect, went there for the purpose) as a decoy. If there is no such case please get the signature of the Clerk of the Court, so I can put the matter into the hands of Hynes or the State's Attorney, for I can swear a warrant out for the arrest of the three lawyers for conspiring to injure and boycott me, etc., thus draw-

ing out how they came into possession of their information or who instigated them to question me.

"I have learned that Starkey was formerly at New Haven with Reynolds, while Callaghan is an eager aspirant as a member of D. 16, for distinction, with Aleck. Please hurry up the information before they suspect I am after them, for I would not lose such an opportunity for the world.

"Yours fraternally, P. H. CRONIN."

It would seem that there was being made, by some one, a most persistent and continued effort to find out Dr. Cronin's full history from first to last; and when one combines this fact with the unquestioned fact that when Cronin's disappearance was first announced the rumor ran that he had gone to London to go upon the witness stand for the British Government in the *Times* case, it can be seen that somebody, with means enough to put in motion a searching examination, either doubted Cronin—or pretended to doubt him.

On the other hand, Cronin's friends, and they number some of the most trustworthy revolutionists in the ranks of the brotherhood, have defended his memory as warmly as they would defend their own honor.

Any Irishman would laugh at a charge of treason preferred against such men as Ed. O'Meagher Condon, who stood in the dock with Allen, Larkin and O'Brien, and who first gave voice to the immortal watchword, "God Save Ireland." So, too, would a charge against John Devoy be absurd, and yet Condon and Devoy are among the men who answer for Cronin's loyalty as they answer for their own. With them, moreover, are other men whose fidelity to Ireland is beyond question, and whose belief in Cronin was supreme, with every opportunity to judge him, and no temptation to indorse him were they not satisfied of his truth.

Besides this, Cronin's conduct, from first to last, was not that of a man who had anything to conceal, or any treachery to hide. He made a bold, uncompromising, and what many believed

to be an unjust and unjustifiable attack on the old executive. He made a fight which put him in active opposition, in the most pronounced enmity with the leaders of the revolution. By his own act he deliberately cast away from himself any chance to secure that sort of information which alone would be valuable to an enemy.

It is the deliberate judgment of those who were friends of Dr. Cronin, and those who were not, that he could not have been a spy. All the conditions oppose the theory. It is untenable for a moment, just as untenable as the theory that any member of the old Triangle is either legally or morally responsible for his death.

Why, then, was he killed?

I have heard this theory suggested, and it seems to me to be reasonable, so consonant with all the facts as we know them, so complete an explanation of all the contradictions in this most stupid and foolish murder, that I will tell it as it was told :

"In the first place," said the theorizer, "the majority of the men in Camp 20 believed, and believe yet, that there was something wrong with Cronin. If not a spy, he was, to their thinking, a dangerous firebrand in the order, and, next to John Devoy, the great obstacle to unity and harmony in the Irish ranks.

"But for this reason he would not be killed.

"When he read that minority report in his own camp, he was guilty, at least, of re-opening the whole question which had been closed by the convention and referred to the arbitrament of the investigating committee, and producing once more a schism in the revolution. He would not abide by the finding of the tribunal of which he was himself one of the members, and the result was to be once more a hopeless split in the Irish ranks.

"Carlyle says that the English people consist of 80,000,000, mostly fools, and the same proportion, very nearly, will apply to our own people. There were hot-heads who learned of Cronin's

conduct, who jumped to the conclusion that he was betraying the cause which held the first place in their hearts, and who determined to find out the truth. I have no doubt in my mind that Cronin was decoyed to the Carlson cottage, but I believe, as firmly as I believe anything, that there was no purpose to murder him. I think it was merely a bulldozing scheme at first, and nothing more. Perhaps the idea was to abduct him, make him give up the alleged evidence that he held, and tell the real truth about himself, as they believed the truth to be. But, however that may be, I have never been able to convince myself that his death was premeditated, or was in any way a part of the programme.

"Unfortunately, they counted without their guest. Cronin was a fearless man and a combative man. Finding himself cornered, and believing that the people there sought his life, he began a desperate fight, which ended in his death.

"Mind you, this makes the guilt none the less of the men who killed him ; but it is the only theory which will account for all the facts. Men who were about to commit murder would have been provided with weapons. Cronin seems to have been beaten to death. A quick thrust of a dagger would have ended the man with less noise and less chance for defense than clubs or the broken arm of a chair.

"Again, deliberate assassins would have made their plans to dispose of the body of their victim. A grave dug in the cellar of the Carlson cottage and a couple of bushels of quicklime would have blotted the victim out until the last day. Instead, there is every evidence of hurry and panic and unexpected exigency in the manner in which the corpse was rushed out into a wagon and carried to the catch-basin. Even the *Agnus Dei* that was left upon the poor fellow's breast tells me a story of the horror-stricken condition of men presented with an unlooked-for and awful consequence of their acts.

"It was murder certainly, and murder the result of a con-

spiracy, but it was not the result of a conspiracy to murder. Nor is this a hair-splitting difference, but a most vital and important one. It is the only fair explanation of the facts that must be admitted."



CHAPTER IV.

O'Sullivan and His Cards—The Contract with the Doctor—A Liberal Arrangement—The Flat on Clark Street—Waiting for a Sick Sister—Buying the Big Trunk—Getting an Expressman—Money no Object—The Tenants of the Carlson Cottage—Furnishing a Death Trap—How the Conspirators Must Have Lived—Camping out in a Bare Room—Waiting for the Victim—Troubled Dreams.

THE beginning of the conspiracy, as charged, was the contract made by P. O'Sullivan, the ice-dealer, with Dr. P. H. Cronin, one of his cards being left by the messenger who took Cronin away. This was a peculiar, and, it was afterward declared, a most suspicious arrangement, although it did not strike the Doctor that way at the time it was made. O'Sullivan and Cronin were introduced to each other by Justice Mahoney, a well-known Chicagoan, and the result of their acquaintance was an arrangement proposed by O'Sullivan, whereby Dr. Cronin was to attend the victims of any accidents that might occur through the carelessness of his employes, for the fixed sum of fifty dollars a year. This contract was made as late as April 26. It was nearly two months before this, however, that the first step in the conspiracy was made—the renting of the flat at 117 Clark Street.

The manner in which this part of the scheme was brought about is so interesting that it may well be told in full. On some of the furniture found in the Carlson cottage was the trade mark of Alexander H. Revell. Books and records were consulted, and it was found that these goods had been ordered sent to a flat at 117 Clark Street.

Here was a clew, and it was followed up with much intelligence. E. G. Throckmorton, the book-keeper for Knight &

Marshall, the owners of the flat, was found and brought before the Coroner's jury.

"On Feb. 19," said the witness, "I rented the top flat of the building 117 Clark Street to a man named J. B. Simonds for \$42 a month. He paid the month's rent in advance, he got a lease and receipt, he left the office, and I never saw him since. The collector called there March 19. The place was locked up, but he discovered that there was some furniture in the room. He could not get in, but he saw through an opening in the door that there was some furniture there. On the 20th the collector called again with the same result. On the 21st he called again, and this time he found that the furniture was gone, and no one was to be found there."

"Will you tell the jury as near as you can the full conversation you had with this man Simonds when he rented the flat from you?"

"Well, it was a six-room flat that was always rented to one party for living purposes. He wanted to rent two or three rooms in the front, and I refused to rent him two or three rooms, because we wanted to rent all together."

"Did he say why he wanted them in front?"

"No; I suppose because it was down-town and he wanted a view of the street."

"Did he give any reason for it to you?"

"I am not positive whether he did?"

"The front rooms which you speak of, which he wanted to rent, faced on what street?"

"Clark Street."

"How near the Chicago Opera-house building?"

"I think they are directly opposite a part of it."

Here was the first link connecting the man who rented 117 South Clark Street with the murder of Dr. Cronin, the theory of the prosecution being that these rooms were rented, directly opposite the offices of Dr. Cronin in the Opera-house block, long

before the murder was committed, for the purpose of studying the habits of the Doctor and making arrangements for the culmination later on of the terrible tragedy.

"On what floor were those rooms?"

"On the fifth floor."

"What did this man Simonds further say?"

"Well, he said he would take the whole flat in order to secure the two or three rooms in the front, because he wanted that particular location; that he was going to bring a brother here from the East to have his eyes treated, and that that location would be convenient for him."

"Did he say anything else? Give us what he said?"

"I can't recollect anything further."

"Can you give the jury a full description of this man as far as you can recollect?"

"I should say he was about 35 years old, about 5 feet 7½ or 8 inches tall; he weighed about 165 or 167 pounds, had dark hair, dark eyes, I think, rather long, drooping, black mustache; he wore a derby hat, and a short-nap chinchilla overcoat."

Further questioning only served to disclose the fact that there was nobody else outside of the office of the real-estate men who rented it who could identify the tenant in connection either with the gas or water supplies. The Coroner brought out the point that the mysterious tenant when paying for the flat produced a large roll of bills of different denominations and appeared to be very well supplied with money. Coroner Hertz appeared to be anxious to elaborate upon the question of the formation of the tenant's nose.

W. P. Hatfield, 981 Central Park Avenue, a salesman of A. H. Revell & Co., testified that February 19 he sold a three-piece chamber set to a man giving the name of Simonds, who had them sent to 117 South Clark Street. He also sold to Simonds a trunk about thirty-two inches in width by twenty-one inches deep, thirty-two yards of carpet, a small hand lamp, a wash-stand and a large

trunk strap. He believed he also sold to the tenant of 117 Clark Street a small outside cocoa door mat. The chamber set consisted of a dresser, a wash-stand, a bed and mattress. The witness was asked to describe the marks which are usually placed upon pieces of furniture by the firm, and said they were generally marked in stencil "A. H. R. & Co." Sometimes if the stencil was not convenient the shipping clerk might mark it with a pencil. When Simonds was giving his address he gave it as J. B. Simonds, 117 Clark Street, rooms 12 and 15.

"What kind of a looking man was he?"

"An ordinary-sized man, about five feet six and one-half inches tall, about thirty-five years of age, with a dark brown mustache and moderately heavy. He had a full face, a pleasing address, and his complexion was rather fair or red."

"Did you note his accent?"

"Yes, sir. I think he had a foreign accent."

"What kind—German, French, or what?"

"Rather English, I should say, or, perhaps, Irish."

"You have noticed his complexion; you may, perhaps, have noticed the shape of his nose. Was there anything peculiar about that?"

"It was inclined to the Roman, not marked very specially."

The witness went on to say that Simonds paid cash for the goods the next day following the day on which he bought them. He paid in bills of large denominations, and it struck him as rather peculiar at that time that the witness handled his roll of bills rather carelessly. He simply stuck his hand down into his pocket and fished them up; he did not appear to have a wallet or purse or anything of that kind. His manner was more pleasant than that of the ordinary customer engaged in purchasing goods. He did not seem to care anything about the price so the articles he got suited him. The witness again described the size of the trunk, and he corrected himself by saying that the trunk was about forty inches in width by twenty inches deep. It was the largest-sized

trunk they had in the place. He said that Simonds appeared anxious to get a more than ordinarily heavy strap for the trunk, and the witness had to order one specially for him from Lanz, Owen & Co. The goods were delivered at 117 South Clark Street February 20 by a driver named Fred Allen. He did not give his address when he first purchased the goods, nor his name either, but he did so the following day.

The 20th of March last a man, fairly well dressed, but looking as if he might be a workingman, came to the rear of the cottage No. 1872 Ashland Avenue, and asked if the one in front was for rent. He was told that it was and that the price was \$13. He immediately rented it, paying his money down at the time. He went away, and, several days later, came back with another man and a wagon carrying some furniture, consisting of a bureau, wash-stand, bedstead and several rugs. They then left and were not seen again until the 20th of April, when they again returned and desired to pay another month's rent. They hadn't occupied the house during March, and the furniture they brought for the place was so small that suspicions were excited and it was concluded not to rent them the place again. Mrs. Carlson, the wife of the owner, was alone in the rear cottage at the time, and at first firmly refused to rent. She said the place was for sale.

"What is your price?" asked one of the two men, who called themselves Williams, stating that they were brothers.

"It is \$3,000," she replied.

"That is too much. I would not give over \$2,500 for it," said the speaker.

They rented the house, saying that their sister, who was sick, would soon be able to leave the hospital and take up her residence in the cottage. No sister ever came, though but a few days before the tragedy one of the men came again to Mrs. Carlson and wanted to rent the house.

There were two men who seemed to be the tenants of the cottage, one of them answering closely to the description of Mar-

tin Burke, the other to that of Cooney, "the Fox." They must have lived a curious life in the half-furnished little house, with its bare walls and uninviting look.

Whatever scheme it was that took these men to this little out-of-the-way cottage, it could not have been a happy one in the interval of waiting between the renting of the premises and the doing of the murder.



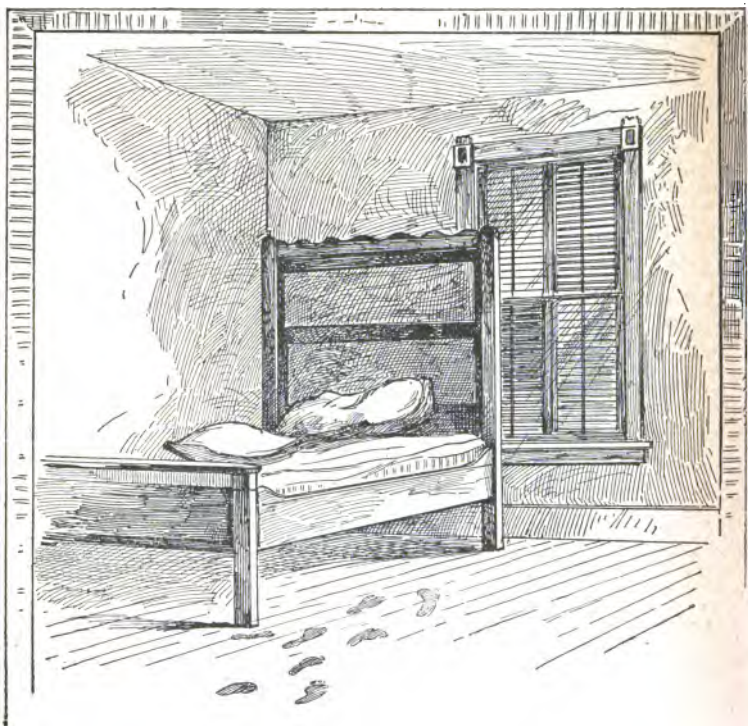
"COONEY, THE FOX." From a Photograph.

There are a number of curious circumstances which throw unexpected lights on the kind of life the men must have lived.

They had no dishes, for instance, so they must have camped out after a fashion, and either taken their meals somewhere out of the house, or they must have lived on cheese and crackers and an occasional paper of sandwiches. There were no conveniences

for cooking in the house, and very few conveniences for anything else. There was a bed, but there were no sheets or pillow-slips, and but the scantiest possible assortment of bed-clothing.

Despite all these discomforts, here these men lived and



THE FRONT BED-ROOM OF THE CARLSON COTTAGE.

passed a great part of their time from the day the cottage was rented until the night of May 4th.

One link still was to be found to bind them to the flat at 117 Clark Street, the expressman who had moved their scanty

belongings from one place to the other, and he was finally found. His name was Hakon Mortensen, whose stand was on Chicago Avenue and Market Street.

Mortensen subsequently stated upon the stand that he was hired to haul a load of furniture from the premises on Clark Street about half-past five in the afternoon of a day in the latter part of March. The precise day he could not remember. The man came over to his stand and asked him to go down to 117 Clark Street and take a load of furniture to the corner of Lincoln and Belmont avenues.

"He asked me how much I wanted," continued Mortensen, "to go out there, and I asked him \$2. He said: 'No; I won't pay more than \$1.50.' I took the \$1.50. He said he would be down in the door waiting for me, and I went down and found the same man. He was alone. I jumped out of the wagon, and he went up-stairs and told me to stay down. He commenced to carry out the furniture. Another man was along with him. I did not carry any of the furniture down; I put it on the wagon."

Mortensen then described the articles of furniture removed the same way that had been done by previous witnesses for the State. The trunk was brought in and placed on the floor in front of the witness stand, and, on Mortensen's attention being called to it, he said: "That looks like it. It had a big, heavy strap around it about four or five inches wide and maybe one or two inches thick."

To make the bulk of the strap a matter of certainty the witness was handed one of the official reporter's pencil-cases, and illustrated the width and thickness of the strap around the trunk by that. He said it was about the same width and a little thicker. It took him about three-quarters of an hour to load the furniture on the wagon.

"He told me to go out to Lincoln and Belmont avenues," he continued. "He said he was going to take the cable car. I went to Lincoln and Belmont avenues, and the man wasn't there."

I waited for him about an hour, maybe more, and then he came with another man with a horse and buggy. I asked him what was the matter, I had to wait so long. He said he couldn't help it—the cable broke down. He came about eight o'clock. He asked me to have a drink with him, and we went into a saloon on the southeast corner of Lincoln and Ashland avenues. He told me to follow him, and we went to 1872 North Ashland Avenue, to a frame cottage. I unloosed the rope, and the other two fellows carried the furniture in. Young Carlson came out, and I talked to him a few minutes, not in the presence of the other men. When I got through, the fellow that was along with the man that hired me asked him, 'Ain't you going to pay the expressman?' and he said, 'Yes,' and asked me if I could change a \$5 bill. I could not. I asked him for more, because I had to wait, but he did not pay me any more."

On cross-examination Mortensen did not show himself a very good witness for the State. He was taken into the employ of the Police Department, and is now in charge of the horses at Desplaines Street Station, at a salary of \$52.50 a month.

Mr. Forrest put a long series of questions to him as to what particular loads of furniture he had hauled for other people since that occasion, and asked him to describe the different pieces of furniture that he had moved at other times. Mortensen was unable to describe a single person who had hired him, or any particular piece of furniture that he had moved for other people. He was asked to specify between what particular points he had on other occasions hauled furniture, which he was unable to do. His recollection of this transaction was fixed to some extent by the fact that he had only commenced to be an expressman about a month before, commencing about the last of February, and ceased to be in that business in June, when he went to Winnipeg. Being asked how he knew the number of the Carlson cottage, he said he had recently gone out there at the request of Judge Longenecker to find the number. He was unable to explain the

circumstance that he had stated in Winnipeg that the number of the house was 1872 Ashland Avenue.

Good witness or bad, however, Mortensen was the link upon which the State relied to establish the connection between the Clark Street flat and the Carlson cottage; and besides this, Revell's salesmen were positive that the furniture found in the cottage had been by them sold and sent to the flat.

If the theory is a true one, how many dramatic incidents must have occurred while these men were camping out, amid these bare walls, waiting for the victim who was so long in coming. What troubled dreams they must have had in the sheetless beds! what visions of the tragedy that was to be!



CHAPTER V. .

A Fine Night for a Long Ride—The White Horse and the Buggy—O'Sullivan's Card—A Deferred Meeting—"Here is the Key"—Where is the Doctor?—Looking for News—Mrs. Conklin's Anxiety—Alarming His Friends—The Police Informed—Losing Valuable Time—The Bloody Trunk Found—Suspicion, but no Proofs—Conflicting Theories—Anxiety and Slander.

IT was about noon of May 4th that Detective Dan Coughlin dropped into Dinan's livery stable, which is quite near the East Chicago Avenue police station, and told Pat Dinan that he had a friend who would want a horse and buggy that evening, and to let him have one.

"I told him all right, that I would," said Dinan subsequently in describing the occurrence. "I asked him what kind of a rig he wanted, and he said he was not particular, that most any kind of a rig would do. I had an extra horse that I did not use much. He was an old white horse, and as Coughlin was not particular, I thought it would fill the bill. About five or ten minutes past seven on that same evening my blacksmith, Mr. Jones, came in and said he wanted a horse and buggy for an hour or an hour and a half, and I said all right. While Jones was there Coughlin's friend came to the stable and asked for the horse that had been ordered for him that day."

Dinan then described the hitching up of a sorrel horse for Jones, the blacksmith, and the white horse for the stranger; and told how the stranger wanted to get the sorrel horse, but had finally to content himself with the old white horse, Dinan having refused to give him any other. He wanted side curtains on the buggy, but Dinan told him he could not supply them; that the rig was an old one, and he could not tell where the curtains were

just then. Dinan told him that, as the night was dark, he needn't be afraid of being seen by anybody that he did not care to be seen by. The stranger made some growling remarks to himself, got into the rig, and drove off. He went directly north on Clark Street, and Dinan watched him until he crossed Chestnut, as he was afraid the old white horse might "rust" or stop.

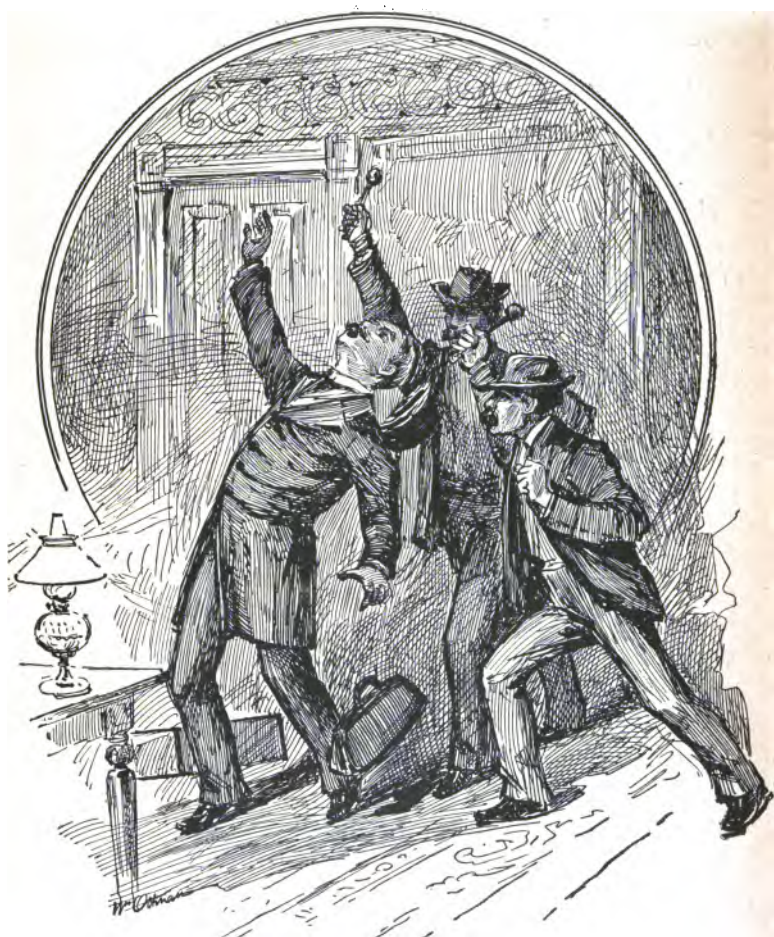
The man who drove the buggy away was about five feet seven inches high. He wore a coat that was buttoned close up around his chin, a little soft black hat turned up behind and turned down in front. It was pulled down very low over his eyes, almost hiding his nose. Dinan got a better look at him as he got into the buggy. He appeared to have an eight or ten days' growth of beard, of a dark brown color, a little faded at the top or stubby part of it.

Dr. Cronin's home office was at 468 North Clark Street, about five blocks north of Dinan's livery stable.

At about 7:30 o'clock on the evening of May 4th a man driving a white horse in an old buggy, and apparently coming from the south, drew up in front of Dr. Cronin's office and got out.

Mrs. T. T. Conklin's description of this episode is so graphic that I will use her language:

"On Saturday evening," said she, "about half-past seven, a man came to the door and rang the bell violently. I answered it myself. He seemed to be quite excited. 'Is Dr. Cronin in?' he asked. I replied that he was. 'I would like to see him,' he said. I asked him to walk in. He hesitated and did not seem to care to come in. I said to him, 'You must come in if you wish to see him, because the Doctor is occupied, and you will have to wait.' He finally came into the parlor, and I asked him to take a seat. He said, 'I can't wait here, I am in a great hurry. I want Dr. Cronin as quickly as possible.' I told him that Dr. Cronin was engaged in his private room with a lady, but that I would go up and tell him. I did so, informing the Doctor that there was a man below who wished to see him in a hurry. The Doctor came down



"OH, MY GOD!"—THE TRAGEDY IN THE CARLSON COTTAGE. [177].

to the parlor, and the stranger, who had been sitting nervously on the edge of a chair, arose when the Doctor approached him, and presented a card. My attention was called to the conversation which ensued between them, and I distinctly heard the man say, 'Mr. Sullivan is out of the city. He left word that you are the Doctor who attends his men in case of accident. One of them has been terribly injured, and you are wanted quickly.' The Doctor asked what was the nature of his injury, and he stated that he had been run over and that one of his hands was terribly hurt. The Doctor went out with the man, and I stopped at the window watching them. I heard no more of the conversation, except as they went out I heard the man say: 'I have a horse and buggy for you here.'

"I stepped into the window and noticed particularly the horse and buggy. The Doctor never spoke to me after that. He hurriedly gathered together his instruments and splints, some cotton, bandages, and other things. They went out and got into the buggy together. I saw the man take the weight from the horse's head and drive away rapidly. Before they went away I saw Frank Scanlan come up and evidently speak to the Doctor, but I did not hear what was said.

"I saw Dr. Cronin take a bunch of keys and reach them out as if trying to hand them to Mr. Scanlan, but the man drove away so quickly that Dr. Cronin had to throw them to him. I saw him drive off north on Clark Street, and that was the last time I ever saw Dr. Cronin alive."

Mrs. Conklin then described the man who had called for Dr. Cronin as a medium-sized man, about five feet six or seven inches, dark complexion. He appeared to be rather flushed, which she attributed to excitement. He had a small mustache, and wore a soft, low-crowned, black hat, which he removed when he came in. Dr. Cronin, she said, wore a slouch hat with a high crown. The stranger's hair was grayish, not particularly long nor short.

"When you were at the window, did you notice the horse and buggy?" she was asked.

"I did particularly. It was what might be called a box buggy, not a large one. I noticed that they were very much crowded, and, Dr. Cronin being a large man, he had to sit sideways in order to give the driver room. The horse was a white one," said Mrs. Conklin, "but I hardly know how to describe it. It had quite a long neck, and he seemed to be very quiet and spiritless. He had very peculiar knees and feet. I never will forget him. His knees were very prominent, and the motion of the fore-legs from the knees down was rather peculiar. It was not a young horse, evidently."

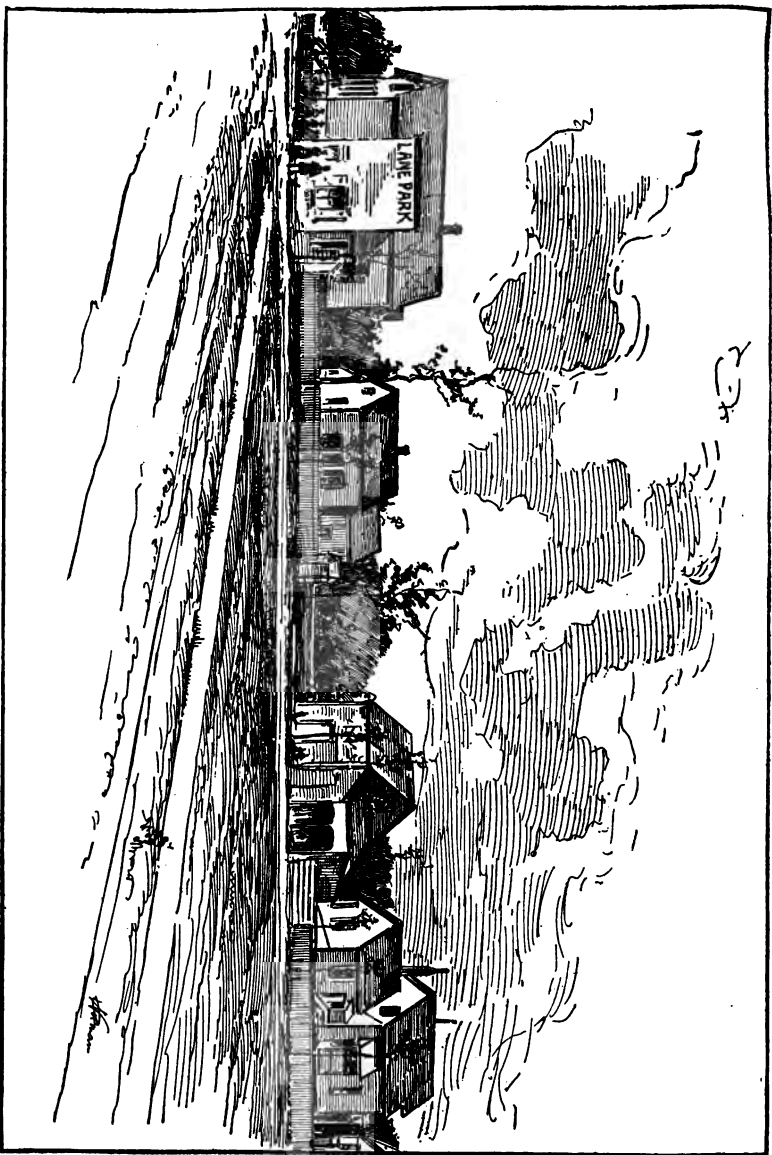
Just then Frank T. Scanlan, of 34 Belleview Place, came along and asked the Doctor if he was going to be at the meeting of the stockholders of the Celto-American Publishing Company. The Doctor exclaimed:

"Ah, Frank, glad you came along, as I don't know when I can get off. Here are the keys to the office, so you can open it for the meeting. Tell the Catholic Foresters that I can't be there either. I am called to attend a man who is badly hurt up at Sullivan's ice-house."

Then he drove away into the gathering gloom, never to return.

There had been so many conversations between Dr. Cronin and Mr. and Mrs. Conklin on the chances of a conspiracy to take his life, that they became anxious about him when he failed to return at a reasonable hour during the night. The next morning, seeing that he was still absent, they seem to have made up their minds once and for all that he was murdered, and they immediately began to act upon that theory.

The card that the stranger had left was still standing on the mantelpiece in Cronin's office. It was the business card of the Sullivan Ice Company, of Lincoln Avenue, and this was at once taken as a clew. The Conklins early notified the Doctor's friends



THE SCENE OF THE TRAGEDY.

- 1.—Cottage, belonging to the Carlsens, in which the deed was done. 2.—Cottage in which the Carlsens live.
3.—O'Sullivan's Ice Barn. 4.—O'Sullivan's Residence.

of his disappearance and their fears, and after a hasty consultation, the whole matter, the card, description of the driver, the horse and the buggy which drove Dr. Cronin away, and a detailed account of the suspicions which his intimates entertained were placed in the hands of the Pinkerton Detective Agency, and the work of solving the mystery began.

The first step was, of course, to see Sullivan; but here the trail ended. Mr. Sullivan was found at home, and was greatly surprised when he learned what the detectives were after. He had not been away from home; he had not sent for Dr. Cronin, and there had been no accident to any of his men.

Here was a blank wall at which the road ended.

Sullivan, with much apparent readiness, accompanied the detective down to Mrs. Conklin's home, and there he answered frankly all the questions which Cronin's friends asked him. There was much that was unintelligible in his connection with Cronin. They did not understand why a man with but four employes should want to employ a doctor, and especially a doctor living miles away from his residence, when there were so many other physicians living between the two. But the facts were the facts, and, suspicious as they seemed to Cronin's immediate friends, neither the public nor the press shared their conviction that anything had gone wrong with the Doctor. It seemed too melodramatically improbable.

Facts began to accumulate, however. About noon on Sunday Alderman Chapman rushed into the police office at Lake View and excitedly informed Capt. Villiers that a trunk which had evidently contained the body of a murdered man was then lying on Evanston Avenue near Sulzer Street. The patrol-wagon was sent to bring in the trunk and its contents. When the wagon reached the spot indicated by the alderman they found a large crowd assembled around a trunk lying in the gutter at one side of the road behind a clump of bushes. It was taken to the Lake View police station and opened.

The sides, ends and bottom of the trunk were covered with blood and hair. Lying in the bottom, and also covered with blood, was a large piece of cotton-batting, such as is used by surgeons, and like that taken by the Doctor when he left home.

Taking a detail of twelve officers with him, Capt. Villiers at once proceeded to Evanston Avenue, and made a thorough search of the fields and woods in the neighborhood in the hope of finding the body, but the search proved fruitless. Every foot of ground where it was possible for a body to be buried or concealed was carefully gone over, but not the slightest clew was obtained.

Returning to the station, the Captain had the blood in the trunk subjected to a microscopical test, and it was proven that it was from a human being. The hair, which was of a dark brown color, was also put under the glass, and it was found to have been cut from the head by some blunt instrument.

Dr. Cronin's hair was of the same color as that found in the trunk.

On being told about the trunk Officer Smith said that about two o'clock Sunday morning, as he was standing at Clark and Frederick streets in company with Officer Hayden, a wagon, such as is used around planing-mills, driven by two men, came rapidly up the street from the direction of Chicago. Smith ran to the middle of the street, and as the wagon came nearer he saw that there was a box, apparently a carpenter's tool chest, on the truck. The officer sprang forward to stop the team, but the men whipped up and drove past. As the wagon passed him the officer saw that the supposed tool-chest was in reality a large trunk, and when he saw the one at the station he readily identified it as the trunk he had seen in the wagon the night before.

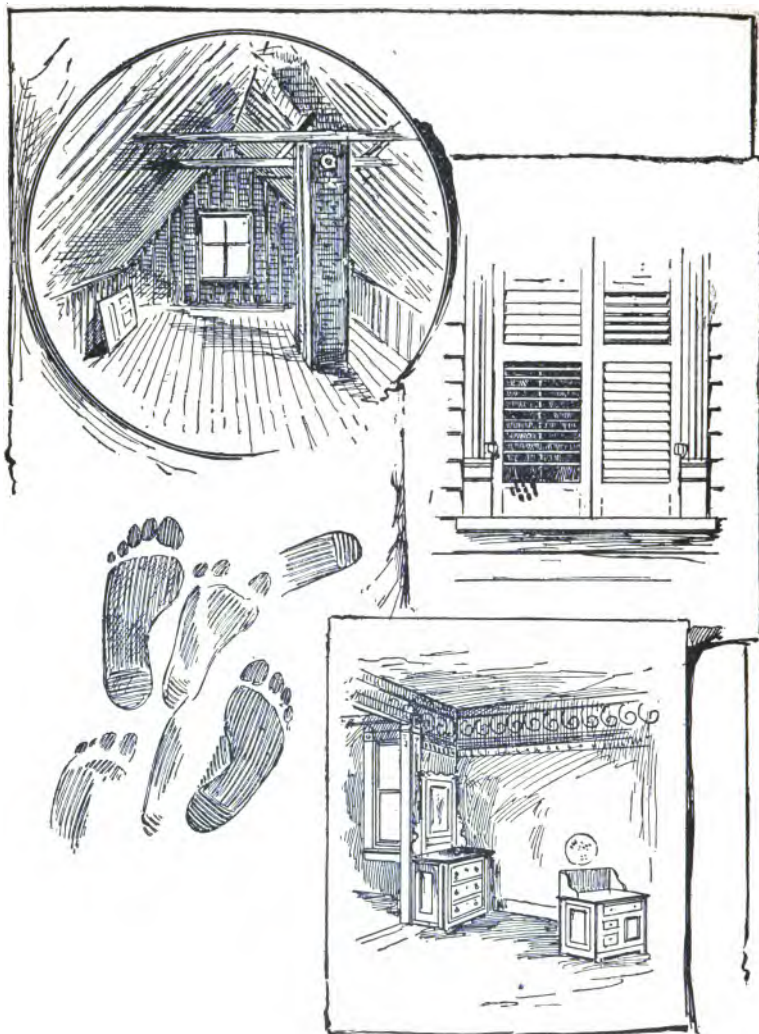
He further said that about an hour after the two men with the wagon and trunk had passed him at Clark and Frederick Streets he was at the corner of Clark Street and Diversey Avenue, and saw the same team returning toward the city, but without the trunk. For some reason Officer Smith said nothing to any one of

this singular occurrence when he returned to the station in the morning, and nothing was known of the matter until he came on for night duty at seven o'clock that evening.

Here was a valuable find, but still nobody believed that Cronin had been killed. There were other theories to account for the bloody trunk.

I have before me files of the Chicago papers for May, 1889, and it is curious to observe how guardedly the case was treated. Interviews with leading Irishmen are given, some of them declaring that Cronin was dead, others that he had managed a mysterious disappearance. He was heard from here, there, everywhere. Now he was seen in New York, now in St. Louis. Rumors of all sorts filled the air, and no man could tell what to believe about the mystery.





CIRCUMSTANTIAL EVIDENCE.

- 1.—The Attic of 1872 Ashland Avenue. 2.—Fingerprints on the blind.
 3.—Footprints on the floor. 4.—The front room, showing dresser
 and wash-stand, back of which latter are blood-stains on the wall. [184]

BOOK III.

"MURDER WILL OUT."

CHAPTER I.

Dinan and His Suspicions—The Secret Nearly Told—Miss Murphy's Story—Cronin Seen in a Cable Car—The Conductor and the Lint—Cronin in Toronto—Long's Queer Dispatches—Cronin's Friends Declare Them Fakes—Excitement in Both Factions—Woodruff Comes on the Scene—Waiting for More Developments—Scattering of the Conspirators—Cronin's Anxiety—Capt. Schaack's Work.

THE livery stable keeper, Dinan, was really the first person whose suspicions had been aroused, and who began to work along the line upon which the case was subsequently developed. The reader has been told of Coughlin's visit to the livery stable, and of the hiring of the white horse and the buggy. When Dinan read in the papers the description of the man and the rig that had taken Cronin away, he made up his mind that he knew facts which he ought to communicate to Capt. Schaack.

He accordingly went over to the Chicago Avenue Station to do so, but on his way was met by Coughlin, who asked him to say nothing to the Captain, because his (Coughlin's) hostility to Cronin was well known, and the statement might get him into trouble.

Dinan was still unsatisfied. The more he turned the circumstances over in his mind, the more sure he felt that he ought to tell what he knew. He accordingly called at Capt. Schaack's house.

"Dinan came to my house just after dinner," said Capt.

Schaack at the inquest. "I had sent out word about 6 o'clock in the morning of that day, May 6th, to the men to visit all livery and boarding stables, and find out if they had hired out a white horse with a buggy on Saturday evening. Some reported they found nothing; others did not report anything. Dinan called at my house, and he told me about this gray horse of his that he had hired out on Saturday night. He told me that Officer Coughlin had told him on Saturday that if anybody should call for a horse he should give it to him, and that he would be responsible. I told Dinan to keep that quiet and not to let any one have the rig, nor dispose of it on any account.

"When I went down to the station I called out Coughlin and asked him if he had sent any one to Dinan's for a rig Saturday night, and he said he had. I asked him if he knew the party and he said 'yes.' I told him that he must start right out and get that man, and I said that I believed that it would probably turn out to be the rig that took Dr. Cronin away. I asked him if he knew where the party lived. He said he did not. He said the fellow came to the station and introduced himself as a friend from some part of Michigan. They had breakfast together, and then the fellow called around a couple of times at the station looking for Coughlin. I told him he had better get the man. A couple of days after I asked him if he had got that man yet, and he said 'no.' I told him that it was the best thing that he could do for himself to find him, and the next day I reported the whole affair to the Chief, and told him that I thought I had the horse and buggy that had taken Cronin away.

"I saw the Chief again later, and he told me to take that buggy and make the time as near as possible in the evening that the horse and buggy had appeared at Conklin's house. I was to bring it to that house and put it in the same position that the vehicle had been in on the evening of May 4th, and have the Conklins and other people see if they could identify it. Before that I saw Mrs. Conklin and told her that I thought I had the rig in which

Dr. Cronin had been taken away. About 7 o'clock I took Sergt. Koch and we drove to Division Street and pulled up in front of where Mrs. Conklin lives. The buggy was driven across the street and back again. She was looking out of the window, and when the horse was brought up she said: 'That is not the horse.'

"I brought the horse back to the barn and turned it over to Dinan, telling him that he could do what he pleased with it, that it was not the rig; and, meeting Coughlin a few minutes later, I told him that it was a lucky thing for him that the rig his friend had taken was not the one that had carried the Doctor off."

A few days later Coughlin told the Captain that he had seen Smith, who was going to New Mexico, but he did not explain why he had not brought him into the station, as he had been ordered. Nor at the time did any one attach any importance to the man "Smith," for Mrs. Conklin's failure to identify the horse that he had used—in fact, her positive statement that it was not the horse—seemed to put him and his friend Coughlin entirely outside the range of suspicion.

Besides this there had in the meantime been accumulating evidence which tended to show that Cronin was alive and in Canada. "Tended to show" is too weak a way to put it; it was positively and circumstantially stated.

C. T. Long, at one time a Chicago reporter, and then engaged on the Toronto papers, telegraphed to the Chicago papers, on May 10th, a detailed account of his meeting with Cronin on the streets in Toronto. After describing Cronin's effort to get away from him, Long, who wrote the dispatch in the third person, goes on to say:

"While on the way to Court Street Station, on the corner of King and Toronto streets, Long saw Cronin and his friend walking rapidly down Toronto Street. Stepping into a doorway at the Receiver-General's office he waited until they had passed, and then noticed that Cronin had adjusted a pair of goggles, but otherwise was attired precisely the same as on Yongee Street.

"Stepping up to Dr. Cronin, Long said: 'Cronin, what

are you doing in Toronto when your friends in Chicago are hunting the earth for you?’

“‘Now, look here, Long,’ he replied, ‘for God’s sake let up on me. I have already had enough notoriety and don’t want to be bothered. Why can’t you let me go? You know I have always been your friend, and I shall expect that you will say nothing about having seen me.’

“‘Come in and let us talk the matter over,’ said Long, leading the pair into a saloon.

“Cronin appeared to be a very sick man. In fact, the first impression conveyed was that he was out of his mind. He rambled away about the Royal League and Mr. Warren, the secretary; and then, apparently getting frenzied, denounced in strong terms a number of St. Louis and Chicago men, among them Alexander Sullivan, John F. Scanlan, Dr. O’Reilly, M. F. Madden, Lawyer Berry, Harry Ballard, Judge Prendergast and Lawyer Wade.”

The dispatch describes how Cronin for a second time evaded Long, and how that enterprising scribe followed the trail, as follows:

“Long glanced at the time tables and found that the first train leaving the depot would go at 12:20. He waited. At 12:18 a two-horse cab dashed up to the depot and from it sprang Cronin, the unknown man, and a woman apparently 23 years old. All three hurried into the train for Hamilton, not waiting to purchase tickets.

“Long boarded the train and asked Cronin for what point they were bound, and, a civil answer being refused, he declared that he would stay with him and inform the police at the first station. Cronin then said he was bound for Niagara Falls.

“The woman who accompanied him wore a dark gray traveling dress and a turban hat. She carried in a shawl strap a brown paper parcel.

“Long has known Cronin for three years and belonged to a number of societies with him. He used to call on him at his office in Clark Street, and the Doctor had returned the calls at Long’s home, 271 Huron Street. Long says he cannot be mistaken in the man.”

As to Long knowing Cronin well, there could be no doubt. Frank Scanlan, who is employed in the wholesale grocery house

of William M. Hoyt & Co., gave the following account of Long and of Long's acquaintance with Dr. Cronin: "Long once worked for William M. Hoyt & Co. While he was in the city he made an application for membership in the Columbia Council of the Royal League, an insurance society. Dr. Cronin was the society's medical examiner. Long finally left our firm and worked for a time with some firm on Michigan Avenue. Subsequently he joined the staff of a morning paper, where he remained six or seven months. Upon leaving the paper he went to the home of his parents in Canada.

"Long and Dr. Cronin became friends through their secret society acquaintance. I belong to the same society myself. Every meeting night those of us who lived on the North Side walked home together. The boys would turn off at their respective streets, and finally Dr. Cronin, Long and myself would be the last left. Long knows the Doctor well. The only strange thing about the matter is that Long did not at once telegraph to some of us that he had seen Cronin."

The next day Long sent to Chicago a two-column telegram full of the most categorical statements about an interview with Cronin.

Here are selections from this amazing interview, with a man who, if identification amounts to anything, was then lying dead in a Chicago sewer opening:

"Shortly after 7 o'clock a telephone message was received announcing that Cronin was caged and in safe quarters at the Rossin House, King Street West. The writer quickly sought out the fugitive.

"Well, Doctor, back again," was the first remark, to which he answered:

"Long, it is really too bad that you should dog me round in this shape. What is your object in doing it? I have committed no crime and can not see why you should thrust my name before the public as you did this morning in the *Empire*. You lied when you stated that Jim Lynch accompanied me. I don't even know the man."

"Now, Cronin, you must certainly know that the people generally, and your Chicago friends particularly, are anxious to know where you are, what you left Chicago for, and where you intend going. Are you willing to make any statements? I will treat you fairly."

"I don't intend making statements," said he. "I guess I have some rights, and question very much whether you should be allowed to make yourself a public nuisance as you have been doing for the past two days. Make a statement? I guess not. Now, please get out of my room or I will kick you out."

"Doctor, let us have no more fooling. The town is full of Chicago detectives who are looking for you, and if you don't unburden yourself to me at once, telling the whole business, why you left Chicago and where you intend going, I shall be compelled to turn you over to the authorities. Now, I don't want to do so for several reasons. First, because you have been an old friend, and, to be candid with you, because other newspaper men all over the country would then get the benefit of my work."

"This called him down, and he seemed to be willing to do or say anything rather than have the detectives take him in charge or the Chicago newspapers get anything regarding him. He seemed anxious to know all about the detectives, who they were and when they came.

"Finally Cronin came down to business and requested that questions should be put to him and he would answer, provided not a word should be given to any paper outside of Toronto, and it is supposed he thought what he said would never reach the States. After the necessary promises had been given he was asked:

"'When did you leave Chicago?'"

"'Just a week ago to-night.'"

"'Where did you go to?'"

"'I went to Montreal.'"

After describing his movements after leaving Chicago, and his failure to get a ship to France, Cronin is made to say:

"'While I lived in St. Louis I moved in the very upper crust of society and promptly identified myself with the Irish cause then disturbing the public mind. I was engaged in that city as a druggist, and soon got to the front rank. I studied meanwhile at medicine, and after a short time passed my examination. I

soon found that the great Irish field was to be entered either at Chicago or New York, and after consulting my intimate friends, among whom was Dr. O'Reilly, so well known in St. Louis, I made up my mind to go to Chicago. I did so, armed with the very best letters of introduction a man ever had, and soon found myself prominent in Irish as well as other circles there.'

"He then went on to say that he soon discovered that the large quantities of money being received by Alexander Sullivan, Dr. O'Reilly, of Detroit, John O'Brien, of New York, and Patrick Egan were not handled properly, and that not more than three-fourths of it ever reached Ireland.

"I know,' he said, 'that at least \$85,000 was gobbled up by certain persons in Chicago, and when I began to "call the turn" on them they tried to scare me off, and, finding that a failure, they tried to bribe me. That would not work, and their next move was to introduce me to Le Caron, giving his name as Beach, in order that he might pump me and damage me in any other way that he could.

"Beach was introduced to me by a reporter of the *Evening News* named Conwell, a man whom I had always considered my friend; but since the recent developments in the *Times* case I know he was against me and that Le Caron was introduced to me for no good purpose. He got very little out of me, however, and that means failed.

"I have been warned several times to get out of the country by friends and assured that my life was in danger, but up to last Saturday felt that I could hold my own. Last Saturday, however, I was put in possession of unquestionable proof that the Clan-na-Gael Society had decided that my life should be taken. A man was appointed as my executioner, and preparations were in active progress to accomplish the deed. Enough to say, I made up my mind at once to fly. You know the rest.

"The Conklins have made fools of themselves over the whole matter. According to the instructions I left with them, they should not have opened their mouths until I was safely out of the country. But it is the same old story. Tell a woman anything, and you are sure to get the worst of it. Scanlan missing? Well, he has nothing to do with my case that I know of. He was simply a good friend, and I trust no harm has come to him through his friendship for me."

There are inherent evidences of fake in this dispatch, which would make it suspicious even were Cronin's body never found. It is not the way a man in his position would talk, nor the way a reporter would conduct an interview, and for this reason alone some of the Chicago papers declined to publish the story.

Still it had its effect both on the public and the police, who, doubting most of the interview, were unprepared to believe that it was wholly and completely a lie.

Mr. Conklin, in reply to the Toronto stories, published the following statement:

"When Dr. Cronin disappeared, we, as well as all of his intimate friends, felt that he had been murdered. The public, who were not acquainted with Dr. Cronin's immediate surroundings, felt incredulous, and could not believe that such a crime had been committed in the midst of a well-organized civil government. Circumstances and the necessities of his abductors are now compelling them to show their hand. If you will remember, my wife called the attention of the authorities to the unusual business transaction of this iceman, Sullivan, making a contract with Dr. Cronin to attend to his four men in case of accident—going seven miles to Dr. Cronin's office, and passing fifty other doctors on the way; then the card of Sullivan presented by the man who decoyed the Doctor from his office; then the wide-spread reports designed to turn the attention of the public from this terrible crime by traducing the character of the Doctor, saying that he was off on a spree, it was a love affair, he had gone crazy or turned informer, all of which was intended to lull the public into an indifference, until the crime would be forgotten. All these local charges and assertions were refuted by the Doctor's friends, as he was a man of excellent moral character, and now it becomes necessary to extend the conspiracy, when behold, William Starkey, a jury briber and refugee from justice, and a well-known enemy of Dr. Cronin, starts another falsehood from his present home in Toronto, associating a sensational reporter with him, by the name of Long. They telegraph throughout the country the falsehood that the Doctor was at the Rossin House, Toronto. Now, this last falsehood has been run to earth.

"Prior to Starkey's flight to Canada he was used as a tool by

certain persons in this city, who sought to ruin the reputation of Dr. Cronin by bringing him (the Doctor) before our justice courts in a fictitious lawsuit, with the object of getting in the examination some event in the Doctor's life to be used by them for his injury.

"The friends of Dr. Cronin knew from the beginning that the Toronto reports were false; but to satisfy the public they had Mr. Rend telegraph a full description of Dr. Cronin to an acquaintance of his, stopping in Toronto, at the Rossin House, asking him if any such person had been seen there. His answer was: 'No man answering the description has been seen at the hotel, and no one has seen or heard of him but these men Long and Starkey.'

"It is believed that Starkey, who tried in Chicago to assassinate Dr. Cronin's character, is acting in concert with those who employed him before. To still further aid in the running down of the conspiracy, Dr. Cronin's friends sent P. McGarry, a well-known boiler manufacturer, to Toronto, taking a good portrait of the Doctor with him. His dispatch is as follows:

"TORONTO, Ont., May 14.—I have made a thorough investigation of the statement that Dr. Cronin was seen here, and find that there is not an atom of foundation for it. He has not been at the Rossin House, and could not be at any of the places mentioned without some of his numerous friends seeing him. I will spare no effort to probe this thing to the bottom. PATRICK MCGARRY."

"There is no doubt in my mind, nor have I doubted from the first, that Dr. Cronin was murdered, and it is to be hoped that the authorities, the press and the general public will spare no pains to ferret out and bring to justice the perpetrators of one of the greatest crimes ever committed in this country.

"T. T. CONKLIN."

Nor was this all. A young lady of excellent character and respectability, Miss Annie Murphy, declared that she had seen Dr. Cronin on a cable car going south to the center of the city, on the night of May 4th, at a late hour. The conductor of the car, a man named Dwyer, was hunted up, and he fully corroborated Miss Murphy's story, and added new details which seemed to make the identification more complete.

The confusion and uncertainty in the public mind was the

worse confounded by the appearance on the scene of that gifted liar Frank Woodruff, of whom, as I must refer to him later, I will now say but little. This fellow Woodruff was arrested while trying to sell a horse and buggy which he had stolen from C. Dean & Co., of 406 Webster Avenue. On his way to the station he half fainted, and said he would "tell all." He did. He was ready with any kind of a confession to fit any kind of a crime. A more gory romancer than he, or one with a more perferoid and survigrous criminal fancy, will not be found in the annals of crime.

The story he told at this time was this: He had been employed by a man whom he met in a gambling-house—"W. H. King"—to sneak out his employer's wagon late at night, and do a job of driving for him. Said Woodruff:

"I got the mare out, hitched her to the wagon, and drove east toward Lincoln Park. King was waiting for me. He got into the wagon and directed me to drive to an alley about a block south of Lincoln Park.

"We stopped at a barn, and King jumped out. A moment later the barn door was opened, and three men came out with the trunk. One of these men was Dick Fairburn. The other was a large man with a black mustache and black hair. The others called him 'Doc.'

"I am positive that he was Dr. Cronin. This man was anxious to get away, and wanted us to hurry. Dick King said to him:

"'All right, Doc. We'll hurry.' King gave me the \$25. The trunk was put into the wagon, and King and Fairburn then jumped in, but the man they called 'Doc' did not. We left him in the alley. I was directed to drive along the Lake Shore drive. We went to the other end of Lincoln Park, and then out to another drive. We stopped near the north lake in the park, near Lake Michigan. The trunk was lifted from the wagon and the body taken out. One of the men said:

"'Here's where we leave Allie.'

"I think the body was that of a woman, and I believe she was murdered. The body was in three pieces. I think the head and legs were cut off. While we were on the wagon Billy Fairburn said to Dick: 'If we had let Tom alone we would have had Doc in here with us too.' I understood that to mean that somebody named Tom would have killed the man they had called Doc—the one who met us at the stable—if they had not interfered.

"The body was wrapped in cotton-batting. The men had a tarpaulin. This was over the trunk while we were going to Lincoln Park, and they kept it after the body was taken out. They put the empty trunk back into the wagon, and King told me to drive as far north as I could and get rid of it. I drove away on the run. I wanted to get away from that place. They tell me I went two miles, but it doesn't seem that I could have gone that far. I threw out the trunk, and the lid broke off. The trunk was a big one, covered with paper; a common, cheap affair. Nobody stopped me on the way, but a man yelled at me once. I didn't stop. I only made the mare go faster. This part of the trip I made alone, as both of the men had staid behind with the body. On the back trip I took a roundabout course. I drove along Southport Avenue to Lincoln Avenue, which I followed for two blocks. Then I turned on to Webster Avenue. I turned corners very often. I reached Dean's barn at five o'clock in the morning. I got the mare back all safe and went to bed. Nobody about the barn suspected me. The next day a man who often uses the mare had occasion to drive her. When he returned he claimed that she did not seem like the same animal. She seemed to have lost her spirit. I didn't say a word."

"Why do you think the man they called 'Doc' was Dr. Cronin?"

"From his description and his manner. He was of a dark complexion, had a black mustache and a short chin whisker. He

wore a black derby hat. One side of his face was swollen as though from a recent blow, and the eye on that side was blackened. He acted nervously, talked like an educated man, and seemed to be greatly agitated. I gathered from what was said that the body in the trunk was that of a woman who had died on account of an abortion."

Woodruff's story was investigated to its most minute details by Capt. Schaack, who tested the man after a fashion which convinced him that, whether Woodruff's story was true or false, he knew something of the bloody trunk which he could not have learned from the newspapers, and which he could not have guessed.

However, all this had taken time, and given the conspirators opportunity to scatter; and there was nothing to support the theory of assassination save Cronin's own anxiety, often expressed to his friends, as to the plot to murder him.



CHAPTER II.

The Catch-Basin on Evanston Avenue—Complaints of the Neighbors—An Evil Smell—Looking for the Cause—A Ghastly Find—Can it be Cronin?—How the Body Looked—The Agnus Dei—Marks of Identification—The Scene at the Morgue—"Yes, it is He!"—Commotion in the City—Intense Excitement among the Irish—Charges of Murder Freely Made—Preparing for the Prosecution—A Great Funeral.

ON May 22d, three of the city employes were examining the catch-basins in the Evanston Avenue district. There had been some complaints sent in to the office of the Sewer Department, and these men were trying to locate the troubles. Nothing was found amiss until they came to the catch-basin on the corner of Fifty-ninth Place and Evanston Avenue, when Henry Roesch, the leader of the men, noticed a bad smell.

"I guess there's a dead dog in there," he said; "let's take a look."

The cover was lifted up, and even the hardened sewer examiner recoiled from the smell.

"There's something floating there," said Roesch.

"Yes. It's a dog, there's some of its hair," said one of the men, pointing to a bit of absorbent cotton which was floating near the dim outline of the body.

"It must be a mighty big dog," said another, "if it fills up the whole basin."

"My God!" said Roesch, suddenly and wildly, "it's a man!"

His eyes, growing more accustomed to the light, had at last defined the outlines of the back of the corpse. It was a human body, and no mistake.

Roesch hurried to the Lake View Police Station, and got the patrol wagon, which came tearing up to Evanston Avenue and Fifty-ninth Place with a number of officers on board.

A blanket was pushed down underneath the body with a hoe handle, and then pulled up on the other side. The body was floating in about three feet of water, with the head and knees down, and the back arched up. The blanket was adjusted under the dead man's arms, so that the curved body would balance upon it, and then a long pull brought it up to the street level, and out upon the ground.

A more horrible sight it would be difficult to imagine. The body was naked, and repulsive with all the ghastly insignia of unburied mortality upon it. Some sort of a cloth, a towel apparently, was wrapped tightly about the throat, and visible beneath this the strings and heart-shaped case of an *Agnus Dei*, one of those little pious emblems of the faith which devout Catholics always wear around their necks. Usually the *Agnus Dei* is accompanied by a scapular, but there was none found here.

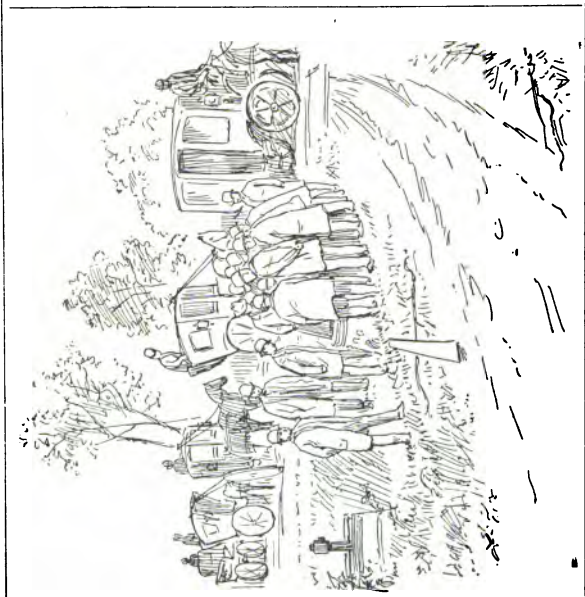
So the body lay for a few moments in its gruesome hideousness, while preparations were being made to bear it to the Lake View morgue.

None recognized it; none knew it; but every one wondered, "Could it be Cronin?"

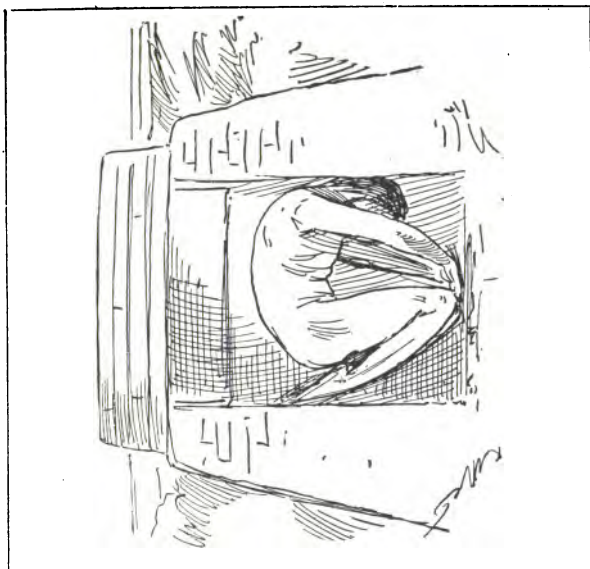
On the way to the morgue, Capt. Villiers met the patrol wagon, saw its grisly freight, and declared at once that it was the missing Doctor. Word was at once sent to Cronin's friends that it was believed the body was found, and they came flocking to the cellar in Lake View, where, on a zinc-covered table, reposed the mortal remains of P. H. Cronin.

The identification was as nearly complete as such a process could be under all the circumstances. Friend after friend came forward, studied the grim puzzle on the zinc, and said, "Yes, it is he."

There appears to be some difference of opinion in the newspaper accounts as to whether the plate with two false teeth which the Doctor wore was in the mouth when the body was found, but there were other marks which made assurance doubly sure. The



The Coroner's Jury visits the Catch-Basin.



THE SEWER'S TERRIBLE SECRET.

Position of the Body when Found.

Doctor had a "base ball finger," so called, meaning a deformed finger, and so had the corpse.

Doctor Cronin's brother arrived from Arkansas May 23, and identified the body by unmistakable marks unknown to the murdered man's friends. Dr. Cronin had certain small scars near the groin. These scars were described by his brother, and a careful examination of the corpse resulted in their discovery exactly as he described them.

The post-mortem examination of the body was begun on the afternoon of May 23d, and was concluded by Dr. Egbert, assistant county physician; Dr. Perkins, of Rush Medical College; Dr. Niles, the medical examiner of the Catholic Order of Foresters; Dr. Porter, health officer of Lake View, and Dr. Bell. The post-mortem failed to reveal the direct cause of death.

There was a small, narrow window near the ceiling of the morgue. This window opens on a level with the sidewalk. A big policeman was stationed at the window to keep the crowd away, but the awful smell soon caused him to retreat. Every few minutes some man or boy whose curiosity was great would bend down and peer in at the window. In a moment he would be joined by others, and soon a crowd would gather. This crowd would be dispersed by the officers. In ten minutes another crowd would be looking in at the window, and in turn would be dispersed. The sidewalk and street were filled with people all day long, and while the post-mortem was in progress none showed a disposition to depart. Two hundred boys and girls stood in the street. About fifty women leaned against a barn and a fence on the opposite side of the street, and the men stood around the station. They were mere curiosity-seekers, well-known men prominent in Irish societies, friends of Dr. Cronin, and others classed among his enemies.

No crime in the history of Chicago, not even the massacre at the Haymarket, created such wide-spread excitement. It was the

topic on every tongue, not alone in Chicago, but in every city where the English tongue is spoken, around the world.

Charges of murder were freely made, and the names of the persons supposed to be guilty were openly mentioned.

A very carefully prepared article in the *Times* on May 24th closed thus :

“He knew, he said, that danger impended over him, but he kept on. He told his friends that he had been threatened often by members of the Clan, and it is believed that he left among his papers with the Conklins some direct evidence that will point to his murderers. That evidence, together with other incriminating facts, and showing how and by whom the funds of the organization had been squandered, is now, it is said, in a safety vault in this city, and is to be turned over to a committee of Dr. Cronin's friends, who will likely give its substance to the public after thoroughly examining it. They may contain nothing damaging to any man or clique of men, but the belief is otherwise. The proper thing, it seems, that should be done would be to turn them over, after the committee has digested them, to the State's Attorney, and let him act on the information derived from the documents and papers. The murdered Doctor's friends intimate that he has been the victim of a gang of conspirators who feared his researches and revelations, and every shrug and hint they give and every expression of their faces indicate that they believe it. What has been given is a mere pointer to endless details which Cronin's friends intimate can be given.”

W. J. Hynes, a warm friend and supporter of Dr. Cronin, and subsequently one of the attorneys for the prosecution, said : “I could not say that I positively identified the body, inasmuch as the post-mortem examination was in progress when I called, and I could not get a good view of the body. There is no doubt regarding the identity of the body. The size is Dr. Cronin's, and also the conformation of the head and the general outlines of the face.”

“Have you any theory as to the murder of Dr. Cronin or what prompted it?”

“I have no theory but one, namely, that there was no motive

for his murder except the malignant enmity excited in the breasts of certain parties by his attitude on Irish affairs."

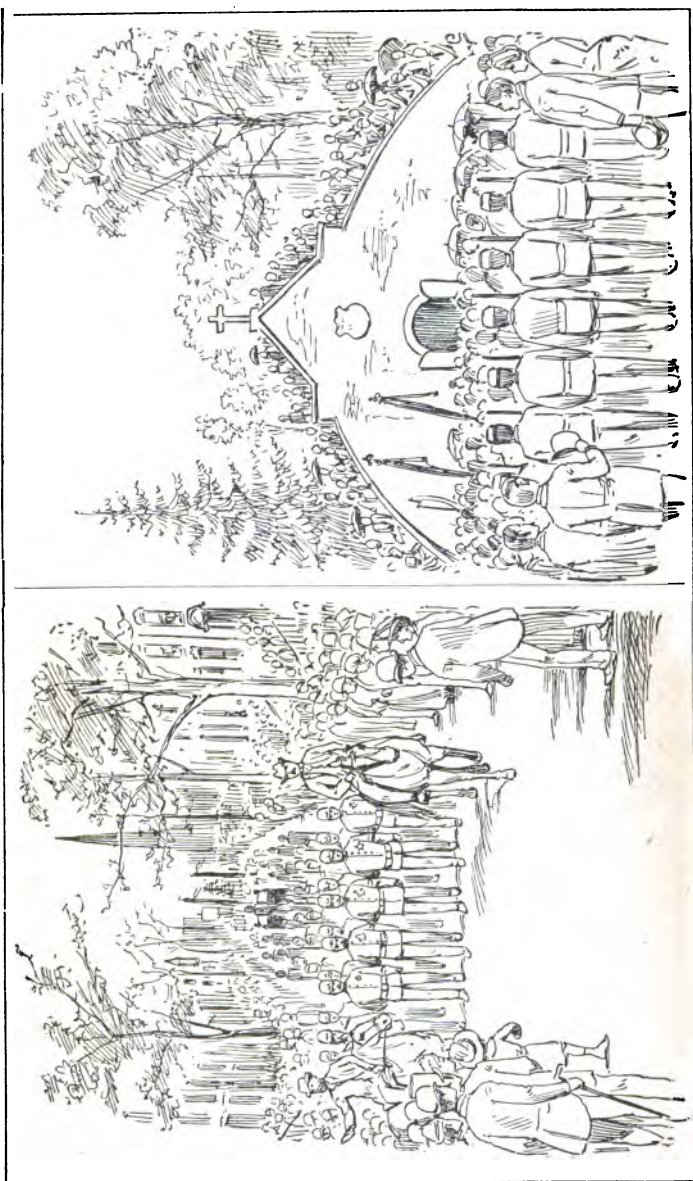
"Upon what was this malignant enmity based, and how did it arise?"

"I have no personal knowledge except the information I received from the Doctor himself and from others, but it arose, as I am informed, from the persistent, intelligent and very effective efforts of Dr. Cronin to bring to account men who are charged, and I am informed by those who claim to be advised, clearly proved to be guilty of embezzlements of the funds of the Irish National organizations. These organizations whose funds were embezzled, it must be understood, were not the Land League or the National League, as has been stated."

And as Hynes talked, so talked many others.

Dr. Cronin's funeral was one of the greatest demonstrations of the sort ever seen in Chicago. The body lay in state on Sunday morning, May 26th, at the First Cavalry Armory.

At an early hour the crowd began to gather in front of the armory building. At 9 o'clock the doors were thrown open, and for an hour and a half a stream of people poured through the building. The burial casket rested on a raised platform in the center of the floor. Rising from the platform was a plain framework supporting a drapery of flags. The four corner supports were wrapped in the mourning emblems of white and black. At the corners of the platform stood honorary guards of Hibernian riflemen. The casket was covered with white roses and smilax. At its foot was a harp of roses; at its head a large cross of white and pink flowers. A candelabrum of brass bore seven candles burning at the head of the casket. Near by, resting on an easel, was a crayon portrait of the dead man. A few curious ones stood about the catafalque, but the great mass of those who viewed the casket passed out by a side door into the street. When the long procession ceased, the pall-bearers carried the casket to the hearse and the muffled drums took up the march to the Cathedral.



I. The Procession.

DR. CRONIN'S FUNERAL.

2. At the Vault.

At 10:45 the remains were borne to the Holy Name Cathedral, followed by a procession of some 6,000 people, most of them members of the different societies to which Dr. Cronin belonged, and friends and sympathizers with the dead.

P. J. Cahill was grand marshal of the procession, and M. C. Hickey chief of staff. The pall-bearers were: Commissioner John C. Schubert; Thomas P. Tuite; Prof. J. P. South, High Chief Ranger of the I. O. C. F.; Dr. D. G. Moore, representing the High Court of the I. O. F.; John F. Scanlan, Dr. Guerin, W. P. Rend, Ald. McInerney, Frank T. Scanlan, W. E. Sterry, C. I. Shoemaker, Joseph C. Berden, representing Columbia Council of the Royal Arcanum; Leopold Roher, Cathedral Court, I. O. C. F.; Daniel Sullivan, C. W. Cummings, Alcyone Council, Royal Arcanum; John T. Golden, representing the Royal League, John O'Callahan, National, and P. M. Carmody, State representatives of the Ancient Order of Hibernians; John T. Begg, representative of the A. O. U. W.; Michael J. Kelly, representing McMullen Court, I. O. C. F.; Edward E. Connery, representing Court Friendship, I. O. F.; J. M. Sullivan, representative of the Celto-American Club; Peter Conlan, representing the Personal Rights League; Charles Barry, representative of the committee of ten, and Maurice Morris, representing the Henry Grattan Club.

The music of the service was most effectively rendered by the Cathedral quartet, Mrs. Dony, Miss Kate Coffee, P. G. Gleeson and F. A. Langlois, supported by a large chorus. Schmidt's Mass was used, with the Benedictus from the Reisinger quartet, and at the offertory Mozart's "Redemptor Mundi Deus" was sung by F. A. Langlois. The music inspired a deeply devotional feeling, and the great congregation was evidently touched to profound sympathy by the imposing ceremonial of the church.

Father Muldoon, the eloquent young preacher, was a friend of Dr. Cronin's who greatly admired his personal character. He was, therefore, well fitted for the duty he performed. He spoke as follows:

"The words of Holy Writ tell us that death shall come suddenly upon us; that it shall come upon us like a thief in the night. As the birds of the air have their being in the air, their lives shall end in the air, and as the fishes of the sea have their lives in the sea so also shall they find their death in that element. So, too, we, having our lives, as it were, in the social world around about us, so, too, having our being there, we frequently find our death amid the surroundings of our lives. Death frequently comes upon us suddenly, and we are never assured of the hour of his coming. In fact, we carry death with and about us. It is ever present with us from the moment of our birth until the moment of our death; from our birth to our graves, ever working in our midst.

"In the life and death of him who lies mute in death here to-day we are taught how necessary and imperative it is that we should be unceasing in our efforts to elevate our lives to make them holier and higher, and to be ever prepared for the last summons.

"It is only a few weeks ago that this same man walked the aisles and floors, and in all the pride and vigor of his manhood, with all the purity of his faith, the strength of his patriotism, and the fervor of his nature, worshiped before this altar, which was always for him so sacred and venerable an object. When we think that he led this body of men, who are now present to mourn over his remains, to the sacrament of this altar to receive his God and Christ, and thereby make himself purer and better, but a few short weeks ago, it brings home to us with terrible force the uncertainty of life.

"When we think of how in such a short time all the vigor of his manhood was snatched from him ruthlessly we must feel how vain and useless are the things of this life—its joys, its hopes and sorrows. All this should remind us that we, too, may be called away suddenly. Perhaps for many among us the summons may come as suddenly as it came for him, if not in such a terrible and atrocious form. Let us be always prepared for God to strike, for his angel is always going forth from him to touch the young and the old, the strong as well as the infirm, and to call them from this earth to the land above. But, my dear friends, let me ask you, have we any reason to be sorry to-day or to mourn with any deep sense of mourning? I answer, no. There is never need to mourn, never reason for such sorrow for one who has lived the

life of the righteous. We know that the man who has lived a righteous life is pleasing to God the Father. The righteous man is the one who visits the widow and the orphan in their tribulation and brings succor and relief to the poor and the afflicted. Let those who have known this man's life say whether or not his life was not a righteous one, and one that fulfilled these requirements. If his life was a righteous one, then comes the consoling reflection that he who is gone was a man pleasing to the Almighty God, and that he now enjoys the glory and the happiness promised to such by our Creator.

"Did he fulfill the duties of his station of life? His life itself is the most eloquent answer that that question can receive. To the duties of his avocation pertained that of visiting the sick, the widow and the orphan. His vocation was the grandest and noblest that belongs to man after that of a priest of God. It is the vocation of charity that brings succor and aid to suffering humanity. This was his mission, my friends, and well did he fulfill it. I ask you, in the presence of his sacred remains, did he fulfill his mission, did he carry out his vocation? Most assuredly he did, and the very manner of his death tells you in more emphatic terms than I could how fully he did so.

"When, on the night that death overtook him, the call of humanity came to him, the cry of a fellow-being in suffering and distress was carried to him, though other and pressing business crowded upon him, he brushed it all aside. It called imperatively upon him but he did not obey it. He answered the call of humanity, and instantly, without hesitation, with his heart full of the charity of his noble profession, and with the instruments of his calling, he started out upon his mission of mercy to bring relief to a fellow-man. *

"It was thus, while nobly filling his own mission and carrying out his own vocation, that he met with the fearful death that awaited him. It is surely not too much to hope; we may surely be certain that whatever sin—whatever venial faults may have been upon his soul that night were atoned for and washed away by his blood. Those wounds may have fructified, borne good fruit and become beautiful in the sight of God, for they were received while working in pursuit of his duty and in the cause of charity. Yes, he visited the widow and the orphan, and brought mercy and solace to them in their tribulations. The anecdotes and stories of his kindness and charity to the poor are like so many

rivulets that go to swell the stream of his good works. They go to prove that he whom we mourn had a heart, and a Christian heart, a thing that nowadays can not be said of as many as in the past. It goes to prove that his heart was full of charity and love toward his fellow-men.

"Was he ever mean in act or spirit? Was he ever in any way opposed to the welfare of his fellow-men? Did he envy his neighbor in the strife of this world's life or seek to deprive him of any of those things that were good for him? Was he low in his habits or his words? Again I say, the answers to all these questions are to be found in the history of his life. Behold the associations to which he belonged. They are indeed many, and every one of them has for its guiding principle, the main-spring of its action, the welfare, the improvement, the exaltation of mankind, the joining and welding of them together in bonds of brotherly love. I have often heard him urge men to join these organizations, men in every station of life, particularly the more humble classes, in that they might imbibe lessons of thrift and industry, and inculcate them in their fellows. He urged them to join in these benevolent organizations in order that they might build up for themselves happy homes here below, and that, when going to their eternal rest, they might be able to leave their children the means to live after them. Here is a history of a noble effort—the most patriotic as well as the highest and noblest effort to raise and better the condition of his fellow-man, to bring within his reach a happy home and an inheritance of comfort and happiness to his posterity.

"Did he preserve himself unspotted from contact with the world? Let us look again to his life for an answer. His life was a public life. His daily avocations brought him a great deal among the people and with the people. He was in every sense a public man, known to thousands, as the scenes that mark his obsequies to-day amply testify, and if there was anything wrong or sinful in the whole course of his life it would be brought forth in triumph and proclaimed to the world by the uncharitable and the unjust. But not a single word of censure, not a single finger of scorn has been or can be turned toward him. The record of his life is that he had a good Christian, Catholic heart, a heart that went out to his fellow-men. In all his dealings he was ever generous and open; not small or little in any sense. He was not selfish, he was not immoral.

"I can speak no eulogy of him. Words are powerless to do more in eulogy of him than his own acts and his own life, which speak in trumpet tones. And now, my friends, if, while the mass has been going on and the priest has been offering up the holy sacrifice, we have neglected to lift our hearts in prayer and in charity to the throne of the Most High for him who has gone, we have neglected to do our duty. Now he is powerless, for his days are passed. Now the church that he loved, and of which he was such a faithful and dutiful son, has done all that she possibly can for him through her prayers and her sacrifices. But it still remains for you to do something for him. It remains for us, his friends—for there is a communion of saints—to offer up our alms, our prayers, and the holy sacrifice of the mass, that his soul may find solace and glory and peace with God and rest eternal. As believers in that same faith to which he clung with a purity that he drank in with his mother's milk, and that lasted him through life, we are bound not to forget him. He loved his faith. He never denied it. He was never ashamed to acknowledge before the world that he was a Catholic, and held all its tenets inviolate. He was willing to face the world and meet anything, any trial or any trouble, for the glory and the honor and the defense of the Catholic faith and the betterment of his own country.

"He was snatched away from earth without the last rites of his church or an opportunity to receive its last sacraments. No friend sat round his bedside to cheer him and give him fortitude in his last agony. The comforting voice of the priest did not fall upon his ear as his spirit passed away. To him were denied the aid and the fortitude with which the church supplies the Christian soul when about to go forth upon its perilous journey from this to another life. Cherish, therefore, his name with love, with charity, with respect.

"As his body moulders with the earth, could his spirit but find a voice it would say to you: 'Let my example be to you a lesson of kindness and charity and forgiveness, particularly to my enemies. As my life has been a life of charity, let your feelings be toward them feelings of forgiveness. If they say aught against me let it pass, let it go, for the words of men are nothing, and they pass away as the winds that bear them from their mouths. Receive but mind them not. Toward those who have injured me most, in the name of God have charity, have charity.'

The sad march was taken up to Calvary, and there the coffin was taken from the train and borne through a living avenue toward the public vault. The crowds closed in after the chief mourners, and when the head of the procession reached the vault there were ten thousand people in line.

The Hibernian Rifles and the Clan-na-Gael Guards fell in line and marched in files to the burial place, the bands playing dirges all the way. Not a word was spoken. With bared heads the pall-bearers carried their burden to the vault between the crossed swords of the military orders. The coffin was placed inside and the doors were closed.

No funeral orations were made and no military salute was fired over the temporary tomb. Slowly the crowds melted away, and in a few minutes the three huge trains had carried away the multitudes that had followed the murdered Doctor to his last resting-place.



CHAPTER III.

Woodruff and His Many Stories—The First Clue—The Cottage at 1872 Ashland Avenue—What the Carlsons Saw and Heard—Suspicious Circumstances—Williams and His Story—Who is Williams?—The Hammond, Ind., Letter—Burke's Picture Found—Revell's Mark—What the Salesman Believed—The Bloody Foot-prints—Blood on the Shutter—Painting Over Crime—The Theater of the Murder—The Broken Arm-chair.

CRONIN was dead and buried now. Where were the assassins who had brought him to his end? To answer this question were applied all the ingenuity and all the resources of the Police Department and of a large and growing section of the Irish revolutionists.

Luke Dillon, one of the members of the executive of the Clan-na-Gael, came on to Chicago at once to organize and direct the detective work to be done by Cronin's Irish friends and to co-operate with the police.

Of course the public mind turned directly to Woodruff, who manifestly knew something about the case, and an explanation was demanded of that versatile and imaginative young man.

There were circumstances which convinced Capt. Schaack that, in spite of his very evident lying, Woodruff knew something he had not told, and accordingly he was again questioned, with results absolutely valueless and yet mysterious.

He confessed again, of course, this time implicating everybody whose name had been mentioned in the case and several who perhaps only existed in his fecund fancy. His story made a tremendous sensation at the time, but was soon disproved.

"The first time I saw Woodruff," said Capt. Schaack to the Coroner, "he was brought over to the East Chicago Avenue Sta-

tion. I was called out of bed about one o'clock by Capt. O'Donnell. He said he had the man there who claimed that he had driven the wagon containing the bloody trunk. I got up and went out on the street. They had two wagons there. The Captain told me that this man had been taken up by them in the evening to Lake View to have him point out the place where he had left the trunk. The Captain asked me if I would go with him to see whether or not he knew the right place. I went with him and told him to let this man drive the horse himself. Then he told me about this barn on North State Street, where the fellows had told him they had got the trunk, and drove there. He drove them to Lincoln Park and pointed out the place where he said they had dumped the contents of the trunk. He said when the contents fell out he saw an arm or a leg, and that was all he noticed. The horse got scared, and his attention was occupied in trying to hold him. I told him to drive us to where he had left the trunk, and he drove us to Evanston Avenue. He drove us to within about two hundred feet of where the trunk was. He stopped and said, 'Well, I am pretty close to it, but I don't know whether I have passed it yet or not.' I told him it did not make any difference now, to drive on further. He drove on past the place, and when he had gone about fifty feet past it he stopped and said: 'Now I am past it.' I asked him on which side of the wagon they had thrown out the trunk, and he said on the west side as they went out. We turned around and came back within about six feet of the place where the trunk was found. There were two different clumps of bushes, and he said that they had thrown it in either one of them. He was right on that."

"How far were you from the spot where the trunk was really found? Was there anything there at that time by which to indicate the place or identify it?"

"There was nothing by which Woodruff could identify it except his knowledge of the place."

"Did Woodruff say anything to you that night?"

"No. I was not with him in the wagon at all. He was taken to the West Side, and I went over to him to see if I could get a description from him of these men, King and Fairburn. He said that these two men were thieves or burglars. He afterward said that King was a gambler, an abortionist and a quack doctor, and that the other was a general burglar.

"I did not get any chance there to have a good talk with him. He had told me many things that I could not believe, and there were other things that he came very near the truth about.

"The day the grand jury sat on this case," continued Capt. Schaack, "I got a note from the State's Attorney, to take old man Carlson down to the room where I had a lot of other witnesses, Woodruff being among them, and see if Carlson would identify him. I did so, and brought Woodruff where Carlson had a good view of him, but there was no identification. I then took him into my private office and asked him if he had anything new to say in the case. 'Well,' he said, 'there are a good many things I have not told.' 'Tell them now,' said I, 'but you must be more truthful than you have been heretofore. I don't want you to try to fool me again.'

"He told me that what he was about to tell me now would be all true. He told me that he was on Division Street one day with King and Fairburn; they were in a saloon there and had some beer; that a man was there with them who had a large show of money, and that this man gave some of that money to the two men, King and Fairburn. When they got through they came out of the saloon, and while they were standing there this strange man walked out. Woodruff said he asked King who this strange man was, and King answered, 'That is the great lawyer, Aleck Sullivan.' Woodruff, on that occasion, also told me that he was the man who then drove to the cottage and took the trunk from the cottage and placed it where it was found."

"Did he give the number of that cottage?"

"No; he said 'the cottage.' I said to him, 'You must have

had a great deal of trouble to get the trunk out of the back way,' as it is quite narrow there. I said this to test him, but he at once replied that he had taken it out by the front steps. 'There were a number of things that you told me before that are not true,' I said to him. 'Well,' he says, 'they are slightly true.' 'Why did you say you stopped in Lincoln Park?' I asked him. 'Well, we did stop in Lincoln Park,' he replied. I asked him why he said that the body in the trunk was the body of a woman. 'Well,' he said, 'that was a mistake, but we did take the trunk up there for the purpose of leaving the contents there, and then they changed their minds and decided to take it out and throw it in the lake.' I said to him: 'Did you see them put the trunk into the catch-basin?' He said, 'No; I got scared when they pulled the lid off, and I drove south. I waited until they got through with it, and then I returned and took them and the trunk off again and threw the trunk where it was found.' I asked him if that was all he knew at the time, and then he said, 'You will find out that the man who hired me to do that work is your detective, this man Coughlin.' Then I asked him about the story he told about that barn at 520 State Street, and he said, 'I did drive the fellows there after I got through. That was where they got the rig.' I told him that his story did not look right, that everybody who had seen that wagon said that the horse was a sorrel one. He said: 'No; it was a gray horse, but it was not very gray, and at night time people might take it for a bay horse.'

"In the first story that he gave me he said that this man King came to him the previous Wednesday and gave him \$25; he told King that he was hard up, and King gave him the money and did not ask any questions. King told him that they had some trunks to be hauled, and that they would make a load. He told Woodruff where to meet him at a certain hour that night, and on the following Saturday evening he came to Woodruff again and told him that this was the night he wanted the work to be done. He met him at the barn about nine o'clock that night. He had a

light livery wagon there which they put into the alley at the rear of the place. He got the horse out of the barn and muffled his feet so as to make no noise. He then took up King and Fairburn and did this job. That was the last conversation I had with him."

Later on Woodruff made an even more sensational confession to Joseph R. Dunlop, the editor of the *Times*. In this statement he declared that he had got into relations with the Fenians while he was a Canadian, as he had supplied their spies with information in 1874 and 1875. He then told how he had met some of these old Irish associates in Chicago. The flat at 117 Clark Street had been found in time for this confession, and, accordingly, he introduced it into his story with fine dramatic effect.

Again, however, he told things that it was curious he should ever have known, and other things that were subsequently manifestly proven to be false. As, for instance, he made the men who had thrown the dead body of Cronin into the catch-basin bury the Doctor's instrument case in the sand in Lincoln Park. The case was afterward found, together with the murdered man's clothes, in another catch-basin.

It is a part of the extremely unsatisfactory conduct of the defense that the mystery about this man Woodruff is not explained. He forced himself into the jail and into the very shadow of the gallows by a series of confessions, all of them manifestly false, but all of them extremely skillful and misleading.

What can be his motive?

Even in jail he tried variously and ingeniously to establish relations with Alexander Sullivan, smuggling to him a note, seemingly innocent and sympathetic. And yet, had Mr. Sullivan been trapped—had he even kept silence about the communication, there can be no earthly doubt that he would have been put in a most unfortunate light.

The note in question said, in substance, that Woodruff did not say to Capt. Schaack that he had seen Sullivan give any one

money, and ended with the postscript: "Anything I can do for you I shall be glad to." It was addressed to Alexander Sullivan, Esq., and signed in full by Woodruff. This was admitted by Keeper Olsen, who explained:

"Mr. Sullivan stopped me as I was passing his cell. He handed me a note and told me it had been given him by a man who works in the kitchen. Sullivan said to me: 'I've got a note from a man named Woodruff; who is he?' I told him that Woodruff was confined on the same charge he was.

"Mr. Sullivan asked me to take the note over and have Woodruff identify it. I took it to Woodruff and asked him if he had sent it. He said, 'No.' I then asked him whether he had written it. He acknowledged that he had, and dropped it.

"I went back to Mr. Sullivan's cell and told him what Woodruff had said. Mr. Sullivan then told me to ascertain certainly whether Woodruff had not sent it to him. I saw the man who delivered the letter to Mr. Sullivan and found out from him that Woodruff had sent the letter. When I informed Woodruff of this he admitted having sent it and asked me to let him see it. This I refused to do, as I thought it belonged to Sullivan.

"I returned to Sullivan and gave him the note, telling him that Woodruff had acknowledged having sent it to him. Sullivan handed it back to me with the request that I indorse my name on the back of it so that I could identify it as the same piece of paper."

Suppose that Mr. Sullivan had thought that this was merely a denial of a newspaper statement, and had dismissed the matter from his mind, how easy it would have been afterwards to establish the fact of a clandestine correspondence between the two. It was a trap, and a very subtle one.

Then who can Woodruff be, or, what can he be, that he should play the wonderful role with which he has entertained the public? An answer to this question might have had a very important effect upon the trial; but it does not seem—to the

outside world, at least—that any attempt has been made to answer it.

Woodruff drops into the Cronin mystery out of a clear sky; and nobody cares to inquire whence he comes or what he is, or what motives impel him, although there are those who assert that the answer to these questions might uncover the hidden hand which they believe is reaching for the throats of the revolutionary leaders.

In this connection I might as well insert at this point the following Associated Press dispatch:

"LONDON, June 19.—Mr. Labouchere, writing in *Truth* about the charges against Alexander Sullivan, says that everything that the *Times*, which has an agent and banking account in Chicago, can do to prejudice the public against Mr. Sullivan will be effectively done; first, because Mr. Sullivan advised Patrick Egan respecting information sent to England regarding the Parnell forgeries; and second, because he selected Father Dorney to convey across the ocean the documents which smashed the *Times* case.

"Mr. Labouchere says the assertion that Mr. Sullivan misapplied funds entrusted to him is known to be absolutely untrue. He thinks it probable that these charges have been brought against Mr. Sullivan in order to compel the production of the books of the American League, just as the forgeries were published in order to obtain an inquiry into the Irish League's finances."

However this is, Woodruff has shot his bolt, and missed; and it is safe to predict that he will soon disappear.

No sooner was the dead body found in the catch-basin, than the attention of the police was called to the cottage at 1872 Ashland Avenue by the Carlson family.

It was the undoubted scene of the murder. There was blood upon the floor, upon the walls, upon the shutter, upon the lamp. The rocking-chair was broken. In fact, upon every side were the eloquent records of a desperate fight for life, made by a strong man in his extremity.

Most of the blood stains had been painted over and thus

hidden, but enough remained to convince even the most skeptical observer of the violence that must have caused them.

Even here there was a curious and inexplicable episode. One of the reporters who were working upon the case subsequently testified upon the stand—and there can be no doubt as to the exact truth of everything he said—that he had himself bought some absorbent cotton, and smeared it with blood from a piece of liver, and that he had then hid this bloodied stuff in rat-holes in the cellar of the Carlson cottage.

This is the amazing story, as told during the trial under oath:

Edwin Jones, a reporter, took the witness chair. He was examined by Mr. Forrest, and said he remembered when the Carlson cottage was discovered, but could not recollect what day he went out there first.

"Did you take any cotton batting there?" queried counsel. "Yes, sir," replied the witness.

"What did you put on it?" "I put some blood on it."

"Where did you put the cotton batting?" "In the cellar."

"What did you do that for?" "Oh, just for a guy."

"Tell all about it." "Well, on the morning we went out there, there was a story in the *Herald* which told in a vague sort of a way about the Carlson cottage. We went out there, and we didn't think—"

"Never mind what you thought," interrupted the court, sternly. "Tell what you did."

"Well, we went in there," continued the witness, "to see if there was any blood about. The first place we went in was the cellar, and we put the cotton batting in some of the chinks of the ceiling and in some rat-holes on the floor."

"What did you put on the cotton batting?"

"Well, it was blood, I guess. I got some meat at a store."

"Was it meat or liver?"

"It was liver."

"Did you smear the cotton batting very well?"

"We didn't smear it very well."

"What did you say you did it for?"

"More for a joke than anything else."

"Wasn't it to get up a sensational article?"

"No, sir."

"How much cotton batting did you put around there?"

"Well, we bought ten cents' worth, and I guess we put half of it there. It was the same kind of cotton used by physicians."

"Frank Williams, as he called himself, rented my cottage at 1872 Ashland Avenue, on March 20," said the elder Carlson. "I noticed then that he went over and talked to Sullivan, the iceman. He apparently talked familiarly with him. As the month of April approached the 20th, and the rent day was coming near, I began to think it strange that my tenant did not occupy the premises. I wanted a reliable tenant. Seeing the man talk with Sullivan, I stepped over, and spoke of his queer conduct in not living in the house he had rented, and added that I felt somewhat anxious about my rent and the permanency of the tenant.

"'He is all right,' said Mr. Sullivan to me. 'He will pay you all right enough when the month is up.'"

Mr. Carlson's son, after giving a number of corroborating circumstances, said:

"I was present when the furniture was brought to the cottage—two days after the rental—March 22. Two men, calling themselves Williams, unloaded the truck. The driver remained seated—he did not handle the goods. I casually stepped up to the driver and discovered that he was a Swede. I spoke to him in that language, and he told me that he had brought the furniture from 117 Clark Street. The driver has a stand on East Chicago Avenue."

Mrs. Carlson, the daughter-in-law of the owner of the cottage, said:

"I visited my mother-in-law March 20. While at their

home—a cottage which sits in the rear of the other place—a man knocked at the door and entered. He came from the back part of the premises, in the vicinity of Sullivan's barn or house. He said he desired to see the cottage, which was for rent. Old Mr. Carlson took him over and showed him about the place. They returned, and the man said he would take the cottage, at the same time producing \$12, the amount of the first month's rent. He gave his name as Frank Williams. While the receipt for the money was being made out young Mr. Carlson asked Mr. Williams what his business was. This did not seem to please Williams, for he looked sullenly at his questioner and at all of us and then, lowering his eyes, said: 'I am employed down-town.' I remarked shortly after he left that he seemed mad at the question. When he departed he did not go to the front, toward Ashland Avenue, but started over toward Sullivan's.

"The description of Frank Williams as I recall him is as follows: Medium build, perhaps 160 or 170 pounds in weight, 5 feet 10½ or 11 inches tall, dark complexion, black hair, black eyes, and small black mustache, dark clothes covered by dark overcoat. He wore a dark hat, but whether a felt or derby I cannot now say. He seemed anxious to get out of the house."

One of the first steps in the inquest on Dr. Cronin's body was to take the jury out to the house where the murder had been done. The scene was an impressive one.

Officers Brink and Kavello, who were in charge of the house, answered the summons at the door, and two minutes later the jury were standing within the room where Cronin's life was taken. Gazing on the dark stains that dyed the floor, and even through the thick coating of paint that covered them, the jury saw clearly and distinctly a terrible evidence of the awful crime that had been perpetrated there. The jurors bent down and eagerly scanned the blood-stained floor. The officers pointed out each particular stain.

"Here is the spot, no doubt, where he fell and bled from the

first wound in the head," said a juror, pointing to a large blood-mark near the center of the floor.

"Very likely," muttered a third, "and here is another mark, and here; and here they must have dragged him about the floor, or maybe he was struggling on his knees for life and bled as he fought."

"Gentlemen of the jury," said the Coroner, "let me first call your attention to the paint on this floor." The jurymen and reporters were standing in the front parlor, facing on Ashland Avenue. "For your information," continued Mr. Hertz, "I desire to state that the evidence is that this floor was not painted at the time the cottage was last rented, but whether it was painted before or after the murder was committed we can not say. You observe those foot-prints made in the paint while it was still fresh; whether these foot-marks were made before or after the murder was committed is another matter on which we cannot now make any positive statement."

The prints of the long, naked, curved feet were closely inspected by the jurors, some of whom even took measurements of the marks.

Every drop of Cronin's blood that left a tell-tale mark in that crime-stained room was scanned and stored in the memory of the jurors. While they were engaged in this work Lieut. Spengler picked up the hand-lamp that stood upon the dressing-case.

"Look here, gentlemen," he said, "the chimney of this lamp has upon it marks of paint of the same color of that with which the room has been painted. That is the evidence, I think, that this painting was done at night-time."

The jurors made a note.

Coroner Hertz got upon his knees and looked closely at the blood-marks that bespattered the wall of the cottage opposite the door opening into the hall. "Gentlemen," he said, "there is no doubt that these are blood-marks, and they are very distinct. The blood spurted from the victim's wounds and bespattered the wall.

Here is one small clot in which a few hairs are fastened. What this signifies it would be difficult to say.

"Probably when the murdered man stepped into the room he was dealt a blow from behind, he staggered forward and plunged head foremost against the wall, his head striking the place to which the hairs adhere."



THE CORONER'S JURY EXAMINING FINGER MARKS ON THE WINDOW BLIND.

"My theory would be that he had just laid his case of instruments down on this wash-stand when he received the blow," said Officer Brink, "and the blood spurted from the wound, but I don't think he fell then."

A number of tacks in the bed-room of the front parlor, showing that the place had been carpeted some time before the paint was applied, were also pointed out. Blood-stains on the looking-

glass and the marks of the bloody fingers on the shutter of one of the parlor windows were carefully scrutinized.

The rocking-chair, from which one arm had been torn, was examined, and it was found that the back of it was daubed with paint, as if whoever was painting the floor had grasped it with his paint-bedaubed hand.

After the interior of the house had been closely inspected the jury were shown the blood-marks on the front steps and the bloody finger-marks on the fence in front, and were then driven to the spot where the trunk was found on Evanston Avenue. They halted at Fifty-ninth Place, and an examination was made of the catch-basin into which Cronin's body had been thrown by his murderers. The dimensions of the place and the depth of the water in the bottom of it were ascertained.

In driving from the cottage to the catch-basin the route supposed to have been followed by the assassins when carrying the corpse of their victim to its hiding-place was taken.

The first point to be settled of course was, who was Williams? The descriptions of him were meager, and although he had written a letter from Hammond, Indiana, to Mrs. Carlson after the murder, asking her to store the furniture for him, there was little to be learned from his handwriting.

Curiously enough "Williams" was identified as Martin Burke, through the accidental discovery of a large picture of the monument erected by the Irish Nationalists of Chicago to their honored dead. A large group of people clustered about the pedestal of the monument, and in this group was a face which the Carlsons recognized as Williams. The man was at once known to be Burke.

CHAPTER IV.

Once More the White Horse—A Failure to Identify—"Maj." Sampson's Story—Coughlin's Suspicious Conduct—His Arrest—O'Sullivan in Custody—The Case Against Each—Weaving the Web—Fatal Circumstances Accumulate—Cooney, "the Fox"—Chasing the Fugitives—Bewilderment upon All Hands—Where Does the Conspiracy Reach?—Charges Against Alexander Sullivan—Cronin's Friends Organize.

CHARLES W. BECK, one of the reporters for the *Times*, and certainly one of the shrewdest of those who were working toward the solution of the Cronin mystery, was dissatisfied with Mrs. Conklin's failure to identify the horse and buggy which Coughlin had ordered for his friend Smith at Dinan's livery stable. He had heard rumors about Coughlin's outspoken enmity toward Cronin, and he determined to try once more if Mrs. Conklin could recognize the celebrated white horse. Mr. Beck's own account of what followed is here reproduced:

"The horse attached to the same buggy in which 'Thomas Smith' carried away the Doctor was driven up to and stopped, as nearly as possible, at the same spot and placed in the same position in front of Dr. Cronin's rooms as it occupied on the fatal Saturday night. Mrs. Conklin looked at it from the same window through which she observed it on that memorable occasion.

"That is the very horse and buggy that took Dr. Cronin away," she said, as her eyes filled with tears.

"Are you positive? May there not be some mistake?" asked the reporter.

"Before Mrs. Conklin could answer some persons on the sidewalk threw a bucket of water into the gutter at the horse's feet. The animal was startled and jumped backward, turning its head in a peculiar way.

"Do you see that?" she exclaimed. "While the man was waiting for Dr. Cronin that Saturday night the horse was startled

by something and made a jump exactly as he then did. There is no mistake. It is the same horse.'

"Mrs. Conklin had not been told anything about the horse and buggy, and did not know that it was the one Liveryman Dinan gave to Coughlin's friend 'Thomas Smith.'

"After Dr. Cronin stepped into the buggy and before it was driven away Frank Scanlan spoke to him. He had better opportunity than any other person to observe the horse and driver.

"The reporter for the *Times*, seated in the same buggy and driving the same horse that Liveryman Dinan gave to Coughlin's friend 'Smith,' stopped in front of a place where Mr. Scanlan was standing yesterday afternoon and asked him a question about the funeral services to-day.

"Mr. Scanlan didn't answer. His eyes stared like those of a man who thinks he sees a ghost.

"His face turned pale and his lips twitched. He ignored the question asked him and exclaimed: 'Where did you get that horse?'

"'Oh, down in Lake View. But what about the funeral, Mr. Scanlan?'

"'That's strange. That's strange. You got the horse in Lake View? I would swear that it is the horse that was at Dr. Cronin's that Saturday night. And the buggy, too! See here—where did you get this rig?'

"'Oh, the rig is all right. The funeral will be held at 11 o'clock, will it?'

"But Mr. Scanlan did not seem to hear. He stood gazing at the horse and was almost oblivious to anything else.

"'I can't understand it—I can't understand it,' he muttered.

"'See here, Mr. Scanlan, you evidently seem to think you know this horse. Why do you think so?'

"'I am sure that horse and buggy comprise the rig that took Dr. Cronin away. The buggy is the one, or one exactly like it. I am sure of that. The horse is the same or one so nearly like it that no man could tell the difference. I am morally certain the rigs are identical.'

"'Can you describe the man who called for Dr. Cronin?'

"'He was a rather small but active man. His face needed shaving. He had a small dark-brown mustache. He wore a round soft hat. I judged he was the foreman of the ice gang or some other workingman.'

"It took the reporter just four minutes by the watch to drive the white horse from Liveryman Dinan's to Dr. Cronin's rooms. Dinan says the rig left his stable at 7:10 or 7:15. Frank Scanlan says it was 7:20 by the clock on the Division Street tower when he saw the buggy in front of Dr. Cronin's door.

"Liveryman Dinan gives an excellent description of the man Coughlin sent to him and to whom he gave the white horse. The description tallies exactly with that given by Mrs. Conklin and by Frank Scanlan."

Scanlan's identification was, as the reader will observe, particularly strong under the circumstances.

But this was not all. One of the professional thugs of Chicago, a fellow called "Major" Sampson, came forward with a story that some months before Coughlin had offered to pay him to waylay Dr. Cronin and beat him badly. By itself Sampson's story would have attracted little attention, as he was known to be a desperately bad character, and he was afterwards shown to entertain a special hostility to the detective. But, fitting in as it did with the other circumstances, it was a link in the chain that was wound around Coughlin.

Up to this time Coughlin had borne a very good reputation. He was a trusted officer in the Police Department, and one who had done excellent work in many cases. He enjoyed to the fullest the esteem and confidence of his superiors; and, indeed, it was entirely owing to his reliance in Coughlin's honesty that Capt. Schaack was led into the one mistake he made in the course of this remarkable case—the mistake of not putting Coughlin under arrest as soon as he failed to bring "Smith" to the station, after stating that he had seen him about to take the train for New Mexico.

There was a conference between Capt. Schaack, Chief Hubbard and Mayor Cregier, the result of which was that Coughlin was put under arrest, charged with complicity in the murder of P. H. Cronin.

Cronin was murdered in the Carlson cottage, and Coughlin

had provided the vehicle that took him to his death, afterwards giving good ground for suspicion by his attempt to induce Dinan to say nothing about the transaction. Later a witness was found who swore that Coughlin was in the vicinity of the Carlson cottage on the night of the murder. Besides this, he was proven to have held intimate relations with P. O'Sullivan, the ice-man, and at that time the other principal suspect.

Coughlin's explanation was that a man giving the name of Thomas Smith came to him on the morning of May 4th and said that he knew his (Coughlin's) brother, at Hancock, Mich. Smith asked him to hire a horse and buggy for that evening, and, Dinan's being the nearest place, Coughlin went there for it. Three days later, according to Coughlin's story, he met Smith on the street, and Smith gave him \$2 to pay for the rig. That same day Smith went to Mexico, and he had not seen or heard of him since. He did not arrest Smith because he understood that the Conklins had declared the horse he had driven was not the one which had taken the Doctor away.

P. O'Sullivan was on the same day, May 27th, committed to jail on a warrant charging him with the same offense, the suspicious circumstances in his case being, first, his contract with Dr. Cronin for medical services, made April 26; second, the fact that the Doctor was induced to go with the stranger by the presentation of one of O'Sullivan's cards; and, third, his intimate relations with the tenants of the Carlson cottage, where the deed of blood was wrought. O'Sullivan's explanation was, of course, that all of these facts, which were admitted, were susceptible of a perfectly innocent explanation.

There was now a perfectly plain road for the police to follow. There was the scene of the murder with its record written in blood, and the panic of the murderers told in the hasty painting of the floor. There was the body of the dead man fully identified; there were half a dozen people who could swear to the identity of the men who had rented the cottage and used it; and

there was, finally, a party of powerful friends of the dead man, who were thoroughly convinced that Dr. Cronin had fallen a victim to his stand for an honest administration of the finances of the revolution.

With all these facts and all these factors, it is not difficult to understand how strong a web was woven about the suspects.

The point now was to find the Williams brothers, so-called, who were generally known to be Martin Burke, and Pat Cooney, known for his shrewdness as "Cooney the Fox." The latter got clear away and left no trace behind him, although the police were more than once very close to him. Indeed, it was at one time thought that he was under arrest, and would be produced at the trial as a witness for the State—all of which was of that class of information known as "important, if true."

Burke had hired the cottage, and had bought the furniture and the trunk. Cooney had appeared at the cottage after the murder and wanted to pay another month's rent, which Mr. Carlson would not receive.

The hunt for these two men was eagerly pursued, but they had taken the alarm and had got away safely. No one knew whom or what to suspect, but as the days went on the men who had acted with Cronin in the Clan openly charged Alexander Sullivan with guilty knowledge of the crime.

It will show the manner in which public opinion was being directed to reproduce here one of the statements printed before the inquest had seriously attacked the mystery.

"The circumstances which tend to bring him (Alexander Sullivan) so closely under the ban of suspicion are, that he was a corner of the 'Triangle' or the 'inner circle' of the United Brotherhood. As a member of the triumvirate he was charged by Dr. Cronin with having been a party to the embezzlement of the funds of the order, and also with having been guilty of many other high crimes and misdemeanors. He and Dr. Cronin had been good friends for some time, but upon this rock their friendship foundered. When Dr. Cronin discovered these irregulari-

ties their investigation became a monomania with him. By the hardest of toil he claimed to have fixed the responsibility for the shortage and the other misfeasances and malfeasances in office on the triumvirate composed of Alexander Sullivan, Michael Boland and Dennis Feeley.

✓ "Presenting the charges before a convention of the Clan-na-Gael, they were rejected, and Dr. Cronin renewed his investigation. So successful had he been, so it was said, that he had made a very strong case against the three men. The results of this second examination Dr. Cronin intended to present before the convention of the Clan-na-Gael to be held in Philadelphia July 8, and, fearing the exposure and desiring to prevent it, the men most interested undertook to forever silence the man who was waging the war on their integrity. The logic of this as a motive seems almost irresistible, and the most blatant friends of the dead man have been selected to furnish the world with this conclusion as to Mr. Sullivan's undoubted guilt.

"But there is more circumstantial evidence of Sullivan's guilt, and it consists in the main of Sullivan's prosecution of Cronin on fictitious lawsuits. In these lawsuits, it is claimed, it was Sullivan's purpose to get at Cronin's private history, to use when the exposure on Sullivan should arise. Though Sullivan did not figure personally in these petty persecutions, the men who did leave it clear to every one that he was in the background, and that all advantages obtained were to be for his individual benefit. C. M. Hardy was one of the attorneys. He was Sullivan's colleague in the 'boodle' cases. Williston was his shorthand man. Starkey, the notorious, was his client, and David Callaghan was Starkey's brother-in-law. To John Devoy Cronin frequently complained of 'Aleck's tactics of persecution.' It is also said that another object of Sullivan was to have Cronin indicted for perjury on the testimony he had given in these bogus cases.

"Besides this, there is much stress laid on the fact that Ice-man Sullivan, Dan Coughlin, and other suspects, are all anti-Cronin and pro-Sullivan men, and that Alexander Sullivan procured Coughlin's appointment on the police force.

"With this terrible array of circumstantial evidence and all the attendant talk of Sullivan's positive guilt, it is about time that some direct testimony be offered to arrest and indict him. In the meantime these insinuations, accusations and threats made

by the late Dr. Cronin's fool friends should have a knot tied in them. Sullivan is either innocent or guilty, and if there is any primary evidence of his guilt, let the Conklins, the Scanlans and Mr. Hynes produce it or give the public a rest. Sullivan will have his hands very full to explain away the mass of strange circumstances which seem to have connected him with Dr. Cronin's death, and he ought to be given an opportunity."



CHAPTER V.

Witnesses at the Inquest—Getting at the Crime—Cronin's Prophecy—The Pamphlet Again—From Flat to Cottage—Luke Dillon on the Stand—A Sensational Statement—Sullivan's Protest—He is Arrested—Report on the Charges—A Review of the Work Done on the Case—Detective Failures and Detective Successes—The Verdict of the Coroner's Jury—Newspaper Comment.

EIGHTY-TWO witnesses were heard by the Coroner's jury in the eleven days in which they worked upon the Cronin mystery. Some of these were important, some were merely summoned for the purpose of corroborating information already tendered, or to fix dates or the like.

1587
The work of getting at the crime was not an easy one, and it was the 11th of June before the jury was ready to report. It was easy enough to suspect a number of men of a conspiracy to murder Patrick H. Cronin, but it was not so easy a matter to bring together the proof which should show their guilt—should show the direct connection between the Clark Street flat, the Carlson cottage, and the murder.

Dr. Cronin's own frequent statements that he expected to be killed through the machinations of the members of the old Triangle was, after all, the chief reason why the verdict was framed as it was.

He had predicted that he would be made away with by certain persons, and he was made away with—consequently the men he feared must have been the men who committed the crime—this is "good Crowner's quest law," no matter how different a view Greenleaf would have taken of it.

There could be no doubt about Cronin's own prophecy of the murder. To one man he said, shortly before his death, "I

will expose this embezzlement if I lose my life." To another, "They are trying to make a Carey out of me. It is their last resource." To another, "If anything happens me I have left a statement which will show why I was made away with." To another, "My death will be widely inquired into," and so on, through many witnesses. Indeed, as one of his friends said, he seemed to have Alexander Sullivan on the brain.

The pamphlet or interview which he wrote, "Is it a Conspiracy?" was all in the same direction. This was a long, loosely written and rather rambling document, in which he hinted at the causes of differences between himself and the old Triangle, rather than told them outright; gave an account of the manner in which it had been sought to entrap him on his testimony in the bogus lawsuits, and then charged the members of the old Triangle with seeking his life.

When a man writes matter of this sort, and is then found dead, cruelly murdered, it is natural that suspicion should attach to the enemies whom he has himself indicated as menacing him.

To this feeling Luke Dillon, one of the members of the present executive of the Clan-na-Gael, added by the manner in which he testified before the Coroner.

He began his testimony in a low yet clear voice, but in a few minutes there were tears in his eyes. From the moment he took the stand every person present expected that startling revelations would be made. This expectation was more than realized.

He told how the old Triangle or executive, consisting of Alexander Sullivan, Dennis C. Feeley and Michael Boland, had full charge of the Clan-na-Gael and managed its affairs as they saw fit. The charges made by Dr. Cronin that large sums had been misappropriated grew out of the conduct of this Triangle. He said that at the time Alexander Sullivan was tried for the misappropriation of money the jury stood three for conviction and

three for acquittal, but that word was sent out by Sullivan's friends that he had been honorably acquitted. There was no stenographer present during the trial, but Dr. Cronin had taken voluminous notes. The Doctor had compiled 300 pages of the evidence, which he intended to lay before the convention that was to meet in June. The executive of the society wanted Dr. Cronin to surrender this evidence to its keeping, but he declined to do so. This was the evidence which Dr. Cronin had against Alexander Sullivan, and which has been talked about so much since the assassination. Mr. Dillon read the printed protest, signed by Alexander Sullivan, which had been sent to all the camps during the previous two weeks, or since Dr. Cronin's body was found, and which was described in a preceding chapter. In this protest Sullivan calls Dr. Cronin a liar, a perjurer and a scoundrel. The protest was attached to the report of the trial of Sullivan, and is dated Sept. 15, 1888.

"I don't think this protest was written in September," said Mr. Dillon, "but I believe it was prepared since Dr. Cronin was assassinated. Alexander Sullivan has been active in the society ever since he retired. I have seen important papers in his own handwriting since he left."

Concerning the incarceration of American Irishmen in British prisons, he said: "Dr. Cronin and many others held that the destruction of men sent to England was due to Sullivan's intimacy with Le Caron."

"Were these men and their missions known to any persons except the executive officers?" was asked.

"They were not."

"Could any person except the executive reveal anything about them?"

"The executive officers alone knew of them and were the only ones who could have revealed anything."

"Who composed the executive?"

"Alexander Sullivan, Dennis C. Feeley and Michael Boland."

Mr. Dillon said that at first he thought that Dr. Cronin was needlessly alarmed and that the Doctor's life was not in danger on account of his exposure of Sullivan.

Mr. Dillon said that he knew that "Dr. Carpenter" had never been given any money by Sullivan, and he declared that Sullivan had left Mackay Lomasney's widow and her children to starve. The woman was the wife of a man who had perished while on a mission upon which the executive had sent him. Dillon reported her condition to Sullivan, but as nothing was done to aid her he raised about \$1,000 for her relief. He said that Sullivan and his fellow-officers in full control of affairs had known of her condition for two years.

Having heard this and much more of the same sort of evidence, the jury examined Peter McGeehan, the man that Dr. Cronin had declared was brought to Chicago from Philadelphia for the purpose of murdering him.

Referring to his supposed threats against Dr. Cronin and Dr. McCahey, McGeehan was asked:

"Did you ever say that either one ought to be killed?"

"No, sir."

"Did you ever hear anybody say that you said so?"

"I did."

"Who said that?"

"Dr. Cronin himself told me so. I did not know of it until then."

"Didn't you know then that you were going to kill him?"

"Eh—what do you mean?"

"When was it that Dr. Cronin told you this?"

"Since I came to Chicago."

"When?"

"Somewhere around the middle of February."

"Where did that take place?"

"Corner of Clark and Randolph streets."

"Who was with you at the time?"

"Thomas J. Conway."

"Who was with Cronin?"

"Mortimer Scanlan."

"What did the Doctor say to you?"

"Well, previous to that I received a circular from Cronin at McCoy's Hotel headed 'Is it a Conspiracy?' There was no name attached to it or anything. I did not know where it came from or what it meant, but I showed it to a friend of mine on Lake Street, and asked him what was the meaning of it. He said: 'That is one of Dr. Cronin's circulars. He's crazy. Pay no attention to him.'"

"Who told you that Dr. Cronin was crazy?"

"Henry Jordan. I did not pay any more attention to it, but one day afterward I met Cronin. I was in the company of Thomas J. Conway. I was coming down Clark Street and passed the Doctor near Randolph. Cronin was with Mortimer Scanlan. He turned back after he had passed me and used some very bad language to me. I told him that what he was saying was a lie. He says: 'I am informed that you are sent here to assassinate me.' I said: 'I don't know anything about what you have been informed, and whoever told you that is trying to make hard feelings between you and me.' He said a few more harsh words to me. Then I told him that if he did not pass me by he might fare worse. I was worked up enough to strike him. I told him he was a liar to accuse me of such a thing, and that if he did not pass me by in future and did not recognize me I would be very liable to strike him. I told him to get out of my way."

"You said a few minutes ago that he would be apt to fare worse. What did you mean by that?"

"Oh, I did not use those very words. I meant that I would strike him if he did not pass me by. He had me all worked up. I asked several other people why he used such language toward me. They told me to pay no attention to him."

"Have you ever received a letter from Dr. Cronin?"

"Yes, sir."

"What did that letter contain?"

"Well, it stated that it knew what my business in Chicago was. It ordered me to leave the city at once or he would have me arrested on charges preferred by his friends here. It said that he would have my pedigree traced up and that I would be fully exposed."

From a quarter to five to a quarter past ten, the jury discussed the evidence, and then announced that they were ready to report.

The verdict ran:

We, the undersigned, a jury appointed to make inquiries according to law as to how the body viewed by us came to his death, state as our verdict from the evidence:

1. That the body is that of Patrick H. Cronin, known as Dr. Cronin.

2. That his death was not from natural causes, but from violent means.

3. That said Dr. Cronin was decoyed from his home on North Clark Street on the evening of May 4, 1889, by some person or persons to the cottage known as the "Carlson cottage," situated at 1872 North Ashland Avenue, in Lake View, in Cook County, Ill.

4. That at said cottage said Cronin was murdered by being beaten on the head with some blunt instrument or instruments in the hands of some person or persons to us unknown, on the night of said May 4 or between May 4 and May 5, 1889.

5. That the body after said murder was committed was placed in a trunk and carried to Edgewater on a wagon by several persons and by them placed in a catch-basin at the corner of Evanston Avenue and Fifty-ninth Place, Lake View, where it was discovered May 22, 1889.

6. That the evidence shows *conclusively* to all minds that a plot or conspiracy was formed by a number of persons for the purpose of murdering the said Cronin and concealing his body. Said plot or conspiracy was deliberately contrived and cruelly executed.

7. We have carefully inquired into the relations sustained by said Cronin to other persons while alive to ascertain if he had

any quarrels or enmities with any persons sufficient to cause his murder.

8. It is our judgment that no other person or persons except some of those who are or had been members of a certain secret society known as the "United Brotherhood" or "Clan-na-Gael" had any cause to be instigators or executors of such plot or conspiracy to murder said Cronin.

9. Many of the witnesses testifying in this case have done so with much evident unwillingness, and we believe with much mental reservation.

We find from the evidence that a number of persons were parties to the plot and conspiracy to murder the said Cronin, and that Daniel Coughlin, Patrick O'Sullivan, Alexander Sullivan, and one Woodruff, *alias* Black, were either principals, accessories, or had guilty knowledge of said plot and conspiracy to murder said Cronin and conceal his body, and should be held to answer to the grand jury.

We also believe that other persons were engaged in this plot, or had guilty knowledge of it, and should be apprehended and held to the grand jury.

We further state that this plot or conspiracy in its conception and execution is one of the most foul and brutal that has ever come to our knowledge, and we recommend that the proper authorities offer a large reward for the discovery and apprehension of all of those engaged in it in any way.

We further state that, in our judgment, all secret societies whose objects are such as the evidence shows that of the "Clan-na-Gael" or "United Brotherhood" to be are not in harmony with and are injurious to American institutions.

We hope that future vigor and vigilance by the police force will more than compensate for past neglect by a portion of the force in this case.

R. S. CRITCHELL.
RUDOLPH SEIFERT.
H. A. HAUGAN.

VICTOR U. SUTTER.
JOHN H. VANHOUSEN.
JUSTUS KILLIAN.

A *mittimus* was made out for Mr. Sullivan's arrest, and he was late that night taken from his house at 378 Oak Street and lodged in the Cook County Jail.

Curiously enough the same papers which contain the account

of his arrest contain also the details of his exoneration from the charges Dr. Cronin had brought against him. The formal report of the investigation committee was as follows:

"To the U. B., New York, January 16:

"The undersigned, of your committee, appointed by the joint convention of the U. B. and I. N. B. held in Chicago in June, 1888, would respectfully submit the following as his report:

"That said committee was many days in session and gave patient and full hearing to the prosecution and to the accused, the evidence taken upon either side being voluminous. That by a vote of 4 to 2 of said committee Alexander Sullivan is acquitted of all charges presented against him, and the undersigned for himself has no hesitancy in reporting that no evidence whatever was introduced tending to connect said Sullivan with any act, even incorrect or negligent, to say nothing of the acts charged against him. And on the contrary the testimony adduced fully convinced the undersigned of the manhood, honor, integrity and patriotism of Alexander Sullivan.

"That by a vote of 4 to 2 D. C. Feeley is likewise acquitted of all charges, and the undersigned for himself finds there was no evidence against said Feeley to sustain the charges preferred, whether of misappropriation of funds, neglect of patriots and their families or otherwise, and that said Feeley has been an honest and patriotic officer of our order.

"That your committee find unanimously that the family of Captain Lomasney was sorely neglected and left destitute, and the undersigned finds that said neglect was culpable and deserving of severe condemnation. That while there was proof that funds had been provided for said family by Mr. Boland, who then had sole charge of all matters of the executive, either through the dishonesty of said Boland's agents or the fault of the system then in use by the executive, the funds did not reach said family; that in the judgment of the undersigned the system of conveying funds in such cases must be improved and a method adopted by which the responsibility of such neglect in the future can be fixed for an absolute certainty upon the executive or their agents.

"Your committee finds unanimously that C. H. McCarthy was properly reinstated in the order by said joint convention, and your committee find him a man of honor and patriotism who is fully entitled to the esteem and confidence of his countrymen.

"The undersigned further finds that large sums of money were expended which brought no fruit and might therefore be termed injudicious outlay. Yet there was no evidence of the conversion of said funds by any one of the gentlemen against whom charges are preferred, and any waste there was occurred by reason of the hazardous enterprises in which the money was sought to be expended.

"That by a vote of 4 to 2 each and every specification and charge was dismissed the same as hereinbefore stated, and the undersigned finds that there was no evidence on which to base a contrary conclusion. The undersigned deems it imprudent at this time to enlarge further or set forth evidence, for reasons familiar to the members of the order. Respectfully submitted.

"J. D. McMAHON, Chairman, 30 D. 530."

Two reports of the same tenor were also made and signed by Secretary O'Boyle, of Wilkesbarre, and R. B. Rogers, of the committee. The first was also agreed to by C. F. Byrnes.

With the finding of the Coroner's jury the press, as a unit, agreed. It was generally conceded that the conspiracy which led to Cronin's death had been smashed; and the Anglomaniacs in the editorial rooms and elsewhere were especially delighted with that part of the verdict which declared the Clan-na-Gael to be not in harmony with American institutions.

CHAPTER VI.

Sullivan Gives \$20,000 Bail—A Special Grand Jury—Windes' Testimony—Martin Burke taken in Winnipeg—How He was Found—Some Secret History—A Warning from Michigan—John F. Beggs in Jail—His Curious History—A Man of Odd Adventures—His Record—Why He Joined the Clanna-Gael—Indictments against Beggs, Coughlin, O'Sullivan, Burke, Cooney, Woodruff and John Kunze—Sketches of the Suspects.

AS soon as Alexander Sullivan was incarcerated legal proceedings looking to his release were begun, and as soon as Judge Tuley could review the evidence in the case the prisoner was released on bail. Judge Tuley's opinion on the *habeas corpus* is so clear and so thorough, giving a review of the insufficiency of the case against Sullivan, and so fair a statement of the reasons why suspicion has been directed against him, that I have quoted from it rather fully. Says Judge Tuley:

“I find something near one thousand one hundred typewritten pages of evidence taken before the Coroner's jury. I was obliged to read that entire evidence. Not that much of it, or, indeed, very little of it appears to relate to the defendant, Sullivan, but for the purpose of determining whether this murder, from the evidence, was a murder committed in pursuance of a plot or a conspiracy. There was much evidence taken by the Coroner's jury that was irrelevant—that would not be admissible upon a hearing before a committing magistrate or a trial before a petit jury. I have no criticism to make upon the action of the Coroner's jury. It is not expected that in an investigation by the Coroner he will be ruled by the strict rules of evidence. In fact, it is his duty to receive even hearsay evidence if it will tend to put him upon the track of the real evidence which may be obtained in the case. And it is clear that it was from this hearsay evidence in this case that the Coroner's jury obtained the im-

pression or suspicion ultimately that a conspiracy had been formed to murder Dr. Cronin. The question here is as to how far that evidence affects the respondent, Sullivan. That is to say, how far he would be affected by the legal evidence that would be admissible in a court of law, that would be admissible upon a hearing before a committing magistrate or a trial before a petit jury.

"There are a number of persons who testified to the declarations of the deceased, to remarks and statements that he made in connection with the respondent Sullivan. Mrs. Conklin, with whom he had lived for several years, testified to the fact that for three years Dr. Cronin said his life was in danger, and among other persons whom he mentioned as those who had injured him was the respondent Sullivan. F. T. Scanlan testified substantially to the same thing, that he spoke to him in connection with the statement that his life was in danger, and said that Sullivan would be glad to get him out of the way, as he (Cronin) had something that he could prove against Sullivan. Mr. Conklin testified to the fact that Cronin believed his life was in danger from Sullivan—not from Sullivan personally or directly, but that Sullivan would instigate the killing of him (Cronin). And Mr. Bary testified substantially to the same thing, that Cronin stated that there were a number of men bribed to assassinate him, and that back of all he believed the respondent Sullivan was the instigator. Mr. Morris testified to substantially the same thing. Another witness, Burns, testified that Cronin said he was in fear of two rascals, one Boland and the other Sullivan; also that Dr. Cronin said that not only Sullivan but a man by the name of Buckley was trying to get him out of the way. Mr. O'Connor testified that Cronin said that the exposures he had made rendered him afraid of his life. Mr. Ives testified to a very singular statement of Cronin in regard to some examination before a justice or notary, in which Cronin was cross-examined with great particularity by some attorney, and which he thought was part of a plot to ruin his character, and that Sullivan was back of that plot. None of the parties directly implicated there have been called to show whether Sullivan was back of it or not. I only cite this as showing that he was not only in fear of his life particularly from Sullivan, but also from others. Mr. Dillon testified that Cronin said that Sullivan would be the cause of his death. He says Cronin talked about it so much that he thought he had Alexander

Sullivan on the brain. Mr. Moore testified that Cronin believed there was a conspiracy to put him out of the way.

"Mr. Haggerty's evidence is probably the most important in connection with the respondent Sullivan. And the statements he testified to were made about the time of the trial of Dr. Cronin in 1885. Cronin was tried for treason by a committee of six. Before that committee the respondent Sullivan was the prosecutor. At that time there had been a circular sent out by the organization stating that several hundred British detectives had left Scotland Yard for the purpose of finding out the secrets of the Irish revolutionists in this country; and all the members were on the *qui vive* as to information of possible traitors in the societies. At the time of this trial it appears that Sullivan used the expression that Cronin was a dangerous man to the society. And upon being asked whether he said anything to him (Haggerty) which tended to show that he had an idea that Dr. Cronin's life ought to be taken, the witness answered: 'That was my impression; that was the view I took of the conversation.' Then he was asked whether Sullivan used the words, 'Cronin ought to be removed.' He said: 'Not those words exactly, but that was my impression at the time.'

"That, I believe, is substantially the only evidence which tends to show that Sullivan made a threat or suggestion that Dr. Cronin's life ought to be taken. If we reject the declarations or statements of the deceased, Cronin, as to threats that had been made against him by Sullivan, as to the fears that had been excited in his mind of his life by reason of Sullivan or at Sullivan's instigation, there is practically no evidence bearing directly upon the respondent Sullivan, except the testimony of the witness Haggerty, as to these threats which he states Sullivan made in 1885. I know of no rule of law which will admit the declarations of Cronin made out of the presence of Sullivan. Before any committing magistrate or jury all that evidence would necessarily be excluded.

"That Sullivan was prominent in a faction of what was called the Clan-na-Gael or United Brotherhood association is beyond question from the evidence; that there was a disruption or breach in that organization caused by Cronin and others endeavoring to investigate certain actions of Sullivan, Boland and Feeley, who composed the Triangle, is also shown. That a number of camps were expelled and that Cronin himself was expelled

because of an attempt to pursue these investigations, is also shown, and he was expelled by a committee before whom the respondent, Sullivan, prosecuted. It is also in evidence that Cronin, after the two branches of the organization came together and charges were preferred against Sullivan, Boland and Feeley, sat upon the jury or committee that tried Sullivan and the other two upon those charges. From what took place before that committee, and from the other evidence in the case, it seems to be a conceded fact that Sullivan considered Cronin his bitter enemy; that he believed he was trying to injure him is beyond question.



DANIEL COUGHLIN.

And, as I have said, the fact is patent that Cronin considered Sullivan his most bitter enemy and one who was seeking his life. Cronin is murdered in pursuance of a plot or conspiracy. Now, what was the nature of that conspiracy from this evidence?

“The evidence may be said to tend to show :

“1. That he was murdered by personal enemies for revenge, growing out of matters connected with this United Brotherhood

association. If this was a conspiracy merely of personal enemies, the question occurs: What connection had, or does the proof show that respondent Sullivan had, with those personal enemies, or the conspiracy which they formed to murder Cronin? The three parties who are held by the Coroner's jury in connection with him—the parties whom the evidence may be said to tend to show as connected with the murder of Cronin directly or indirectly, are none of them proven to have been in particular social, business or other relations with the respondent Sullivan. There is no act of his traced home to any of the acts disclosed by this testimony. He is not shown to have been connected in any way with the obtaining of the horse or buggy with which Cronin was decoyed away. He is not shown to be connected in any way with any of the parties held with him (Sullivan) to have been connected in any way with the renting of the Carlson cottage or with the parties who occupied it. The evidence would be just as complete as to the other three defendants if all testimony in this record as to Sullivan were obliterated.

“2. The second theory may be said to be that he was murdered to prevent exposure as to the doings of the so-called Triangle. I have considered that theory thoroughly and it appears to me a very unreasonable one. It does not appear that the deceased (Cronin) was in possession, as a matter of personal knowledge, of any facts which would die with him. So, the object of removing his testimony could not be said to be very apparent. All the testimony which it appears that Cronin had would exist the same after he was taken away. The testimony before the committee of six that tried Sullivan, Boland and Feeley, was taken not only by Cronin, but by the secretary and Dr. McCahey, of Philadelphia, and it does not appear that any particular object in suppressing evidence could be attained by the killing of Cronin.

“Another theory as to this conspiracy is this: That it was perpetrated by reason of some order, regulation or proceeding of the United Brotherhood association. The Coroner's jury made great efforts to ascertain whether anything in the nature of a camp proceeding or an act on the part of the organization as such was had in regard to the murder of Cronin. There is no evidence produced showing any act of the organization or any camp as such for his removal.

“There is still another theory: That he was removed by

members of that organization who were overzealous in the cause of their country, for the reason that they believed or had been made to believe that he was a British spy—that they acted upon their own motive and without direction from the officers of any camp of the organization. As to the act of the organization of the United Brotherhood, it is shown in the evidence that Sullivan, about four years ago—or two years ago, as others stated—resigned and quit all connection with the organization. So that, if this man was murdered in pursuance of the direction of any camp or organization, it is not seen how Sullivan could influence the action of such organization, he not being a member. If it were an act of an organization, it can be said that he was not a member. Nor is it shown in the evidence that Sullivan ever met with any other conspirators—that there was any common plan to be pursued by them, or that they had any relations, business, social, or otherwise, with Coughlin, O'Sullivan, or that other person, Woodruff, or that he had any particular social relations or friendship with any other person whom the evidence points out as being subject to the suspicion of knowing anything with regard to this conspiracy.

“I think that the Coroner's jury in bringing in their recommendation, or in bringing in their finding, that Sullivan either was an accessory or had guilty knowledge of the murder, were largely influenced by hearsay evidence. There can be no doubt, from this testimony, that suspicion points strongly toward the respondent; and, strange to say, one of the strongest evidences of his intense hatred of the deceased appears to have been furnished by Sullivan himself since the murder of Cronin. At the time of Sullivan's trial in 1888, at Buffalo, Dr. Cronin was one of the jury or committee of six. Sullivan remonstrated or protested against his serving as such; and when the committee met on the 5th day of May to consider their report, they received for the first time a communication or protest from Sullivan, in which he charged not only that Cronin was an enemy of his, but that he was a perjurer and scoundrel, and went into some specific charges in detail.

“It is certainly a protest or a document which shows, as I said, a most bitter and malignant hatred of Cronin, although it may be said that the fact that this document was not made public until two or three weeks after the killing of Cronin might be urged as a reason why Sullivan was not engaged in that conspiracy to kill

Cronin. As a sensible, reasoning man, he must have known, if he was engaged in it, the bad effect such a protest would have upon himself and his connection with the charge. It seems almost impossible to think that, if he was and knew that he was a party to this conspiracy, he could ever have promulgated that protest two weeks after Dr. Cronin was murdered.

"The evidence points to Sullivan as a person who in connection with Dr. Cronin might have a revenge to gratify, but fails to show any direct threat or any overt act toward the grati-



PATRICK O'SULLIVAN.

fication of that revenge, or any connection with any act shown by the evidence to have been committed in connection with the murder. But the Coroner's jury evidently knew this fact, and it is apparent from their verdict that they had not got to the bottom of this conspiracy. There is no doubt but that they undoubtedly believed that Alexander Sullivan was connected with this conspiracy—and, as I said, largely upon hearsay evidence.

Nor do I say that they failed in their duty in recommending that he be held to answer this charge. They did not, however, recommend that he be held without bail, a very common and usual form of verdict where the proof is evident or the presumption great. It is the duty of the Coroner's jury to require that every one be held against whom there is any proof in connection with a crime or offense, and I think it also their duty, where the evidence is clear or the presumption of guilt great, to recommend that they be held without bail.

"But upon a careful reading of this testimony, and striking out from this testimony all but the legal evidence, I cannot, and I think no impartial man can, make up my mind it would be possible for any jury to convict the respondent, Sullivan, upon that evidence alone. That is one of the tests as to whether the party is entitled to bail or not. The mere fact that a party is an enemy of another person who gets killed is no proof of his having killed, aided, or abetted, or having been engaged in a conspiracy to kill that person. The Coroner's jury do not determine guilt any more than this court does upon this investigation. The Coroner's Jury knew that they had not got at anything near the bottom of this conspiracy, or the facts connected with it. They expected that new facts would develop, and they will develop beyond a doubt. But you cannot deprive a man of his liberty, if he is entitled to it under the law or Constitution, on the ground that more evidence may be produced to show him guilty. The evidence, as it is presented to the court or committing magistrate, is the sole test for the exercise of the judgment of the official.

"In conclusion I say, after mature consideration and after some hesitation, and very considerable hesitation—but in a case of this kind a hesitation should always be resolved in favor of human liberty—I have come to the conclusion that this defendant should be entitled to bail. I think the bail, though, should be of such a character as to positively assure his appearance."

Mr. A. S. Trude, who represented Mr. Sullivan, and Mr. Longenecker, who represented the State, agreed upon a bail bond of \$20,000, which was at once tendered by the prisoner, who offered as bondsmen Michael W. Kerwin of 332 Dearborn Avenue, James W. Tuohy of 46 Loomis Street, Daniel Corkery of 2625 Hanover Street, and Fernando Jones of 1834 Prairie Avenue. Mr. Jones

would not swear, so he affirmed that he is worth over \$20,000. His fortune is, of course, known to be over a million. Mr. Kerwin said he was worth \$100,000 in real estate. Mr. Corkery said he owned a like amount of real estate. Mr. Tuohy fixed his real estate at \$175,000. They were, of course, accepted as bondsmen.

The special grand jury was working hard upon the case, and special interest was attracted to their doings because it was known that they had examined Thomas G. Windes, Alexander



MARTIN BURKE.

Sullivan's partner, and other men who were close to the principal suspect.

158. All of this was forgotten practically, however, when, on June 16th, the following dispatch was bulletined in Chicago:

"WINNIPEG, Man., June 16.—To-night Chief of Police McRae arrested Martin Burke, alias Delaney, wanted for complicity in the Cronin murder. He was boarding an eastern express and had

a ticket for Liverpool, and Supt. Hubbard, who was communicated with, notified the local authorities to hold Burke at all hazards."

Many declined to believe it. It was thought Burke had got clear away, to Europe, and no one could conceive of why he should have gone to Winnipeg. Confirmation followed rapidly upon the original report, and before twenty-four hours had passed it was certain that one of the most eagerly sought of the men accused of the murder was in the hands of the authorities.

Among the theories that were evolved among the Irishmen intent upon hunting down and bringing to justice the slayers of Dr. Cronin was that probably among the group of patriots who surrounded the monument of Tim Crean, on the occasion of its dedication in Mount Olivet Cemetery, some face could be recognized as that of one of Cronin's murderers.

Patrick McGarry, the same man who hunted down and exposed the Canadian fraud, Charley Long, had suggested, about four weeks before, that somebody might be identified from the photograph

A large group had been taken by the photographer, and chief among them were Father Dorney, Dennis O'Connor, Larry Buckley, Tom Murphy and Daniel Corkery. Burke was in the first row of the group, but all the pictures were indistinct, and none of the features could be identified by the naked eye. A microscope was called into requisition, and on the first examination old man Carlson identified Burke's picture as that of the man who rented his cottage previous to the murder. The same picture was submitted to Mr. Hatfield, the salesman at A. H. Revell & Co.'s, and by the aid of the magnifying glass he too recognized and pointed out from the group the face of Burke as that of the man who purchased the furniture of the South Clark Street flat at his employer's premises and had them dispatched from the furniture store to the flat. Hakon Mortensen was the last man to be seen. Mortensen was the expressman who hauled the furniture from 117

South Clark Street to the Carlson cottage, where Cronin was murdered. Mortensen is a simple, straightforward Swede, and probably in all his life he had never seen a microscope until one was shown him by the Chief of Police. He was told to look through it and see if he could identify from the group the face of any one he knew. He immediately pointed to Burke's face and said it was that of the man who had employed him to haul the furniture from the Clark Street flat.

None of the men who identified Burke's photograph were given the slightest idea as to the man whose identity was in question, but they all without the slightest hesitancy pointed to Burke as the man implicated.

Thus it will be seen that the man was thoroughly well known, if he could be found, and found he was.

Just how the Winnipeg Chief of Police McRae hit upon the fugitive is a mooted point even at this writing, but the accepted theory is that Burke went from Chicago first to Joliet, and then to a town in the north peninsula of Michigan, where he had a trusted friend. With this man he stayed for some time, leaving at last for Winnipeg, purposing to make his way to the old country in this roundabout fashion. Somebody who had learned his plans telegraphed from Hancock, Mich., to Chief McRae, exposing them, and Burke's capture was then an easy affair.

On the Friday preceding his arrest Chief McRae notified Chief Hossack of the Canadian Pacific detective force that he was looking for a man who was expected to arrive in the city. He gave Hossack a description of the man, and told him that if he bought a ticket at the Canadian Pacific ticket office at the station, he was to notify him. On Saturday afternoon a man answering the description asked the price of a ticket to Liverpool at the wicket. He gave his name as W. J. Cooper. Chief Hossack notified him, and notified his constables that if that man attempted to board the train, he was to be detained and McRae notified at once.

Cooper on Saturday did not buy his ticket. He merely inquired the price, and Sunday afternoon he presented himself at the station and purchased the ticket. Officer Sherwood, of the Canadian Pacific Railroad, telephoned Chief McRae, telling him the individual he wanted was preparing to skip the town. Immediately after buying the ticket, Burke, for it was he, disappeared, but McRae, upon arriving, found him hiding behind the station.



JOHN F. BEGGS.

His arrest when he boarded the train followed, as already fully told.

In the meantime, the grand jury working in Chicago had, as it believed, broken down the main part of the conspiracy and found the conspirators, the name of John F. Beggs, a well known and prominent attorney, being added to the list of those already

charged with the crime. Beggs was arrested. His career was a curious one, including, it is said, an experience within the walls of a penitentiary. He joined the Clan-na-Gael, upon coming to Chicago, for reasons, as his enemies allege, rather personal than patriotic. However this may be, his subsequent conduct on the trial of the prisoners was not calculated to give the unprejudiced observer a high opinion of his generosity or his fairness. In the management of his right to challenge talesmen, he played a lone hand, and conducted his case with an eye single to his own jeopardy—as, of course, he had a perfect right to do. Granting his innocence and his ignorance of any conspiracy, he was certainly entitled to take advantage of any point which might be used in his favor; at the same time, however, popular sympathy would have been more thoroughly with him, if he had not stood so strictly on his legal rights as against his alleged accomplices.

After his arrest he was held at the Harrison Street Station until the indictments were returned, when he was brought to the jail.

Here is the manner in which he heard the news of his indictment:

John F. Beggs sat tipped back in a chair in his cell at the Armory Police Station at six o'clock last evening. He was smoking a cigar with evident enjoyment and reading an evening paper when a reporter saw him.

"'You have been indicted by the grand jury,' was the introductory information conveyed to Beggs. The ex-Senior of Camp 20 blew a cloud of smoke across his cell, and in a politely interrogative, but utterly nonchalant way answered, 'Indeed?'

"A brief pause, and then he inquired: 'Has the grand jury adjourned?'

"'Yes. The jury returned the indictments about five o'clock, and then adjourned.'

"After he had been told the names of the men who were indicted, Beggs said:

"'I must confess that I am surprised. I am utterly at a loss to understand what the proof against me can be. It is true that

I was Senior Guardian of Camp 20, but that don't show any motive for killing Dr. Cronin."

"How about that committee you appointed?"

"That don't amount to anything. I asked that the most thorough investigation be had. I supposed Spelman would be able to show all the records of the camp. I asked that my correspondence with him be produced. That would also show my innocence. There must have been some strange swearing done by somebody."

"The correspondence between Beggs and Spelman is one of the strongest proofs in the hands of the prosecution, it is supposed; yet Beggs calmly said he relied upon the correspondence to establish his innocence."

"In closing the interview, Beggs remarked: 'This is a bad scrape to be in, but I am not afraid of the result—it will not end in any personal harm to me.'

"Throughout the interview Beggs was as self-possessed as if he were sitting in his office instead of a prison cell. At no time did he speak or act in a bitter, cynical or emotional manner. Indeed, he seemed devoid of emotion. Cool, admirably cool, perfectly calm, keenly alive to the serious nature of his situation, yet able to discuss it as if he were talking about the affairs of some person he did not even know, he presented a picture rarely seen in a dungeon. He was the personification of conscious and confident innocence, or he is the coolest, most deliberate and bravest villain ever behind the bars in Cook County."

"At all times John F. Beggs will be controlled by his head, not by his heart—by mentality, not by sentiment."

It was late in the afternoon of June 29th when the special grand jury which was working on the Cronin mystery filed into Judge Shepard's court with the announcement that they were ready to report.

There were few persons present outside the newspaper reporters and the court officials. Every eye was turned toward Foreman Clough as the jurors took a position in a semi-circle in front of the Judge's rostrum. Each juror answered to his name, when Clerk Lee called the roll, as follows: John H. Clough, foreman, D. B. Dewey, Isaac Jackson, H. P. Kellogg, H. S. Peck, D. A.

Pierce, W. J. Quan, W. K. Forsythe, John O'Neil, Louis Hasbrouk, J. McGregor Adams, Henry Greenebaum, Jacob Gross, C. Gilbert Wheeler, Francis P. Peabody, J. C. W. Rhode, W. H. Beebe, A. P. Johnson, A. G. Lundberg, George W. Waite, John F. Wollensack, Henry A. Knott, W. D. Kerfoot.

"Have you a report to make, Mr. Foreman?" asked the court, when the preliminaries were completed.



JOHN P. KUNZE.

"We have, your honor," replied Foreman Clough, stepping forward and passing up a rather bulky document. The Judge ran his eye over it, and then asked the foreman if there was any further business before the jury.

"I think we have finished the business before us, at least as far as we can," replied Mr. Clough.

"You will be excused, then, from any further duty," said

the court, and the most important inquisitorial body which had assembled in Cook County since the Anarchist investigation was dissolved.

The indictment runs :

"The grand jurors aforesaid, chosen, selected and sworn in and for the county of Cook, in the State of Illinois, in the name and by the authority of the people of the State of Illinois, upon their oaths aforesaid, do present that one Martin Burke, otherwise called Martin Delaney, otherwise called Frank Williams, one John F. Beggs, one Daniel Coughlin, one Patrick O'Sullivan, one Frank J. Woodruff, otherwise called Frank J. Black, one Patrick Cooney, one John Kunze, and divers other persons, a more particular description of which is to the said jurors unknown, late of the county of Cook, on the first day of March in the year of our Lord one thousand eight hundred and eighty-nine, in said county of Cook, in the State of Illinois aforesaid, did unlawfully, feloniously, fraudulently and deceitfully conspire and agree together with the fraudulent and malicious intent then and there feloniously, wrongfully, and wickedly, and with malice aforethought, to kill and murder one Patrick Henry Cronin, in the peace of the people of the State of Illinois then and there being."

The rest of the document, which is an extremely long one, consists of a rehearsal of this charge in sundry terms, so as to cover particularly the manner in which the murder must have been committed.

Martin Burke is twenty-eight years old, a native of the County Mayo, and for three years past a resident of Chicago, where he was employed for some time in the sewer department.

As to Coughlin, O'Sullivan and Woodruff, enough description has been given in other parts of the book.

Patrick Cooney is a Connaught man, who was transferred, as it is said, from the home organization to the Clan-na-Gael. He has lived in Chicago some years. He developed a good many of the characteristics of the rounder. He sang songs and made speeches in many a saloon along North Market Street.

He had one particular ditty entitled "The Fox," which from its peculiar character gained for him that sobriquet. It was a song of interminable length, and when once Mr. Cooney started in with it no one could even guess when it was to end.

Like the animal from whom his sobriquet is taken, Cooney seems to be a cunning fugitive, and the authorities are utterly in the dark as to his whereabouts.



CHAPTER VII.

The Fight in Winnipeg—Burke Identified as Frank Williams—An Exciting Legal Battle—Senator Kennedy Turns Up—The Extradition Proceedings—The Chicago End of the Case—Help for Burke—Beggs' Effort for Release—Dwyer Flies from the City—Burke Brought from Manitoba—The "J. G." Dispatch—The Prisoner's Precautions—Fears of a Rescue—The Jump from the Train—Hurried to Prison—"Not Guilty!"—The Rival Picnics—Funds for the Prosecution.

THE fight in Winnipeg was a bitterly contested one. Friends for Burke seemed to rise up out of the ground, and the Illinois officials had to prove their case very successfully and definitely before they were allowed to carry away their prisoner, for whom the State Department had already issued a warrant of extradition.

First came the identification.

Officer John Collins arrived at Winnipeg from Chicago. With Chief McRae he went into the cell where Burke was confined, while an eager crowd awaited outside for the news. A moment or two later the officers came out and it was known that Collins had fully identified Burke. When Collins stepped into the cell he said:

"Burke, this is a nice place for you to be in."

"Yes, it is, John," replied Burke. The next moment, however, Burke tried to deny that he knew Collins. The identification was complete, and Collins at once notified Chief Hubbard by wire. Then, with Chief McRae, he proceeded to the Court-house, where he swore out the following information:

"Canada, Province of Manitoba, County of Selkirk:

"The information and complaint of John M. Collins, of the city of Chicago, in the State of Illinois, and the United States of

America, police officer, taken upon oath before me the undersigned, one of Her Majesty's Judges of the Court of the Queen's Bench for the Province of Manitoba, aforesaid Judge, under the extradition act, at the city of Winnipeg, in the said county of Selkirk, this 20th day of June, in the year of our Lord one thousand eight hundred and eighty-nine, who says that he has just cause to suspect and believe and does suspect and believe that Martin Burke, *alias* W. J. Cooper, late of the said city of Chicago, in the said State of Illinois, did commit the crime of murder within the jurisdiction of the said State of Illinois, one of the said United States of America, to-wit, that the said Martin Burke, *alias* W. J. Cooper, on or about the 4th day of May, in the year of our Lord eighteen hundred and eighty-nine, at the said city of Chicago, did feloniously, willfully, and of malice aforethought, kill and murder one Patrick H. Cronin.

"Taken and sworn before me, etc., John F. Bain, Judge of Court of Queen's Bench, Manitoba.

"JOHN M. COLLINS."

Of course there were also other identifications. The Carlsons, and the expressman Mortensen were sent up to Winnipeg by the State, and each of them declared beyond the possibility of doubt that Burke was the Williams whose connection with the Carlson cottage Judge Longenecker was so anxious to establish.

More than this had to be done, however, before the Manitoba authorities would consent to turn Burke over to the American officers. Burke was not friendless. One of the best firms in Winnipeg appeared in his behalf, and while the proceedings were still forward State Senator William Kennedy, of Appleton, Wisconsin, appeared upon the scene with the statement that he had been retained for Burke.

All of this naturally excited much curiosity, as it seemed to show a connection between Chicago and Manitoba, and the police seemed to feel that if they could find who it was who was helping Burke they would come close to the home end of the conspiracy.

Said one of the dispatches from the seat of war at the time :

"Kennedy, the white-haired attorney who has appeared on the scene and is exerting himself in Burke's behalf, is exciting

much curiosity among the Chicago officers in Winnipeg. They are watching the old man and are throwing obstacles in his way. They are trying to create the idea that he is either a seeker after notoriety or an emissary of the conspiracy which accomplished Dr. Cronin's murder. The old man brought no credentials with him, and this has been counted a very serious oversight by the Chicago detectives. They think that the lawyer should tell every-



LAWYER KENNEDY IN COURT.

thing he knows and everything he doesn't know, before he can confer with his client. It is said that the lawyer promised Mr. Campbell that the defense fund would be ample to pay any expenses that might be incurred. This was enough to condemn him as an agent of some arch-conspirator. Therefore he was refused admittance to the jail last night, and he and Burke had no chance to hold their accustomed consultation.

"That picturesque-looking old man is William Kennedy, of Appleton, Wisconsin, who for the last four years has represented the Twenty-second District in the State Senate. His eccentricities are well-known. He is an Irishman, and his manners and speech show him to be a man of refinement and education. He has not always been an upholder of the murderers of Dr. Cronin, for not long ago he was in Milwaukee and he denounced the conspirators

as cowardly and brutal murderers and said that the crime was the worst blow that Ireland's cause had received for years. But Senator Kennedy may be expected to do unexpected things. His speeches in the Legislature are peculiar, and there is always curiosity to know on which side of any question he will appear as a partisan. He is an orator of no mean ability, and is often so bitter in his advocacy of any cause that his partisanship does more harm than good. It is claimed that he is no seeker after notoriety, but that his taking up with Burke was to be expected of him."

While the arguments were being made in Winnipeg,—arguments, by the way, which the whole American public were watching with almost breathless interest,—John F. Beggs in Chicago was making a serious, and very nearly a successful effort to be bailed out of prison.

The question of bail was first brought up before Judge Tuley, who ruled that he did not have jurisdiction, and was then taken before Judge Horton, of the Criminal Court.

Beggs applied for admission to bail on the following grounds:

"1. That the indictment returned against defendant in this case is not founded upon any evidence connecting or tending to connect defendant with the commission of the crime of murder set forth and charged therein.

"2. There is no evidence establishing or tending to establish the guilt of this defendant of the crime charged in said indictment returned herein.

"3. There is no evidence showing that the proof is evident, or that the presumption is great against this defendant.

"4. This defendant is absolutely innocent of the charge contained in the indictment returned in this cause, or of any complicity in or knowledge of the murder of P. H. Cronin, or of any offense or knowledge of any crime set forth and charged in said indictment.

"5. No order has ever been made admitting this defendant to bail.

"6. This defendant is able and desirous of furnishing a proper and sufficient bond herein, as may be ordered by the court.

"7. That this defendant is entitled to be admitted to bail herein under the Constitution and laws of this State."

In denying the application for bail Judge Horton said that the motion was entirely unsupported by affidavits and was not verified. It asserted the innocence of the accused, and if the request were granted the court would practically be reviewing the action of the grand jury. Should this be done it would open the way for new and vexatious delays and establish a new practice. In asking for bail upon this showing the attorneys, he said, might as well ask the court to sit as an examining magistrate of the grand jury proceedings, which would have the effect of doing away with that body altogether. The motion to admit the prisoner to bail, he decided, would have to be overruled.

Attorney Foster took an exception, but intimated that no further efforts would be made to secure bail for Beggs.

This little legal wrestle, with the fact that Dwyer, the car-conductor, who had declared that he saw Cronin on the night of May 4th, had left for parts unknown, was about as far as the case was advanced until the court at Winnipeg decided the *habeas corpus* proceedings adversely to Burke, and turned the prisoner over to Chief Hubbard, of the Chicago police force, who had gone up to get his man.

Chief McRae, of the Winnipeg police, took the opportunity and made a formal application to the Chicago authorities for a reward for the arrest of Burke. McRae was in the case for money from the beginning. After Jim Maddern wrote to him revealing all of Burke's plans—for this, according to one of the authorities, is the name of the "friend" who gave Burke away—McRae worked the case for his own profit. He did not tell Hossack and Sherwood of the Canadian Pacific police who Burke was because he did not want them to know the importance of the capture. It was only after Burke was arrested that his name was revealed. The revelation was a surprise to the officers who arrested the man, but, it is understood, McRae had assured them that he would divide any reward in an equitable way.

McRae was asked by one of the correspondents how much

he would pay Jim Maddern for the very full and complete information Maddern gave him and without which Burke would never have been captured. He gave an evasive answer, but as good as said that Maddern would be lucky if he got \$25. The indications are that McRae will also be lucky if he gets that amount himself. Should he be paid nothing for the arrest of Burke, Maddern will not derive any profit for selling out his friend.

It was said by some of the alarmists that a rescue would be attempted, and accordingly very extraordinary precautions were taken to guard the prisoner.

The train bearing the party stopped for a moment at Canal and Kinzie streets, where a carriage was waiting. Chief Hubbard, Detectives Collins, Broderick and Shepherd and Martin Burke were waiting on the rear platform of the car ready to alight. Before the train ceased moving they sprang to the ground, entered the carriage, and were driven to the Harrison Street Station. The train then proceeded to the station, where several thousand people had gathered with the expectation of seeing the prisoner. The party had left Winnipeg at 9:45 Sunday morning, August 4th, and occupied the larger part of a sleeping-car on the Manitoba line. Burke was kept in the state-room, which was always occupied by two or more of the officers. A great crowd assembled at Winnipeg to see the prisoner, but it was disappointed. When night came Burke's berth was prepared for him and he retired early. The officers took turns standing on guard over him, in reliefs of two each. Burke was handcuffed, and shackles were also placed on his ankles; according to one account he was also chained to the floor. If he rested uneasily he gave no sign, nor did he cause the officers any trouble. The train reached St. Paul a few minutes before 7 o'clock Monday morning. There a special car was attached to the Milwaukee and St. Paul train which left for Chicago at 7:15. This car was a common day coach. The blinds were pulled down, the glass doors were covered with newspapers,

and four St. Paul officers were stationed on the platforms—two in front and two at the rear. The train arrived in La Crosse at 11:45 and in Milwaukee at 7:05 in the evening. It was 7:30 o'clock when it departed for Chicago, and just 10 o'clock when it arrived in the city.

From the time Burke left Winnipeg until he arrived in Chicago nobody except the officers was permitted to speak to him. He made no statement nor confession, nor was there any attempt to induce him to do so. An officer sat beside him all the time, and others were around him. But little was said, and the subject of conversation was usually the scenery, or, when some crowd assembled at a station, a little quiet quizzing.

He wore a cheap "ready-made" suit, a collarless shirt and a straw hat. His appearance was that of a common day laborer, such a one as may be found any evening sitting in front of a cheap boarding-house. He wore a very short mustache, and with his white face and clean hands would hardly be recognized by his former acquaintances.

The rule at Winnipeg was that no one could see him without the consent of his attorneys and of Assistant State's Attorney Baker. The only known violation of this rule was when Attorney Kennedy won his way to the cell. Mr. Baker had seen Burke in the court-room, but had no opportunity to study him; the other Chicago officials had hardly seen him. The first opportunity they had to observe what manner of man he was presented itself when he was consigned to their custody. By the time they arrived in Chicago, they agreed in pronouncing him a rather ignorant man, weak, not at all aggressive, unable to defend his own opinions, lacking in self-assertiveness—in short, an ignorant man who even lacks the dogged stubbornness to adhere to his own opinions.

Crowds assembled at every station, impelled by the same motive of morbid curiosity which makes people stare at a stone wall when a man is being hanged behind it. The crowds varied

in size from half a dozen at the little villages to a hundred or more at the larger towns. Only one demonstration was made.

At Gafton, Dak., reside two brothers, named Scholers, who were, it was said, relatives of Dr. Cronin. Backed by the moral support of a mob of two hundred friends, these two men were very démonstrative, and led the crowd in giving many evidences of hatred. The mob surrounded the car, and with hoots and howls expressed its sentiments toward the prisoner. "Bring him out! Bring him out!" they yelled.

"Yes, bring him out," shouted one of the Scholers, as he flourished a big revolver of the cowboy pattern. "Turn him loose, and we'll take care of him." A moment more, and the hooting, howling crowd was left behind as the train steamed rapidly away.

That was the only incident of the trip. It was the monotonous journey of a prisoner back to the scene of his alleged crime.

The special car containing Burke and the officers was attached to the train immediately behind the chair-car. Behind the special car were two empty and darkened coaches, apparently placed there as a blind. At Western Avenue these two cars were left behind, causing a belief that Burke would be conveyed to jail from that place. He remained in the car, however, until Canal and Quincy streets were reached. He was handcuffed to Officer Broderick on the one side and Officer Collins on the other. Chief Hubbard sat inside the carriage and Officer Shepherd rode beside the driver. The carriage was driven to Lake Street, thence to Franklin, down Franklin to Jackson, east on Jackson, and thence to the station. Burke was taken in at the main entrance and immediately locked in a common cell.

On the next day the *Times* printed the following very curious piece of information:

"Last Saturday afternoon a young man, of medium height, wearing a blonde mustache, and having the appearance of a clerk, walked into the rotunda of the Grand Pacific, and filed with the

operator at the Western Union Telegraph Company there the following dispatch:

"J. Hough, Barrister, Winnipeg, Man., Canada:

"Furnish him with basket food and fruit. Caution him against Collins, who will pretend friendship. J. G."

"The operator, after glancing over the dispatch, turned to the sender and asked:

"What is the full name and address, please?"

"It is not necessary to give that," replied the man. "The dispatch is paid for and will reach its destination all right if you send it as it is written there."

"The operator gives a very accurate description of the man. She says he was about 5 feet 8 inches in height, rather strongly built, and fair-complexioned. She further says that he did not look like a professional man, but appeared to belong to the better class of clerks.

"Who was the young man, and who is Attorney Hough?"

"When the former question is answered, one of the most important pieces of evidence leading up to a full knowledge of the conspiracy which resulted in the murder of Dr. Cronin will have been discovered. It is for the police authorities now to develop the clew given. The second question is easily answered. Attorney Hough is the junior partner of Isaac Campbell, of Winnipeg, who took such an active part in resisting the efforts of the Chicago authorities to procure the extradition of Martin Burke. Hough, strange to say, was never called into the case by his partner, Mr. Campbell, who engaged the services of another lawyer—Barrister Purdue—instead.

"It has long been a matter for speculation among us," said Assistant State's Attorney Baker last night, "why Mr. Campbell called in a member of another firm while his own partner was left out. Mr. Hough is an able lawyer, and I don't quite see any reason why he was not brought prominently into the case, except it was in order that negotiations with Campbell might be conducted all the more safely through him."

"Here is the key to the situation: Mr. Campbell was corresponded with in an indirect, but perfectly safe way through his partner, who has not been publicly identified with the case for that very reason. This little dispatch from the Grand Pacific fully explains Burke's strange conduct while on his way from

Winnipeg. The order from Chicago was faithfully carried into effect by Mr. Hough.

"When Burke stepped into the train at Winnipeg in custody of the authorities he was handed a basket of fruit by a stranger. Burke was notified previously, and he religiously stuck to his instructions. Not a morsel did he taste on his way here except the contents of that basket, the last of which he finished in his cell at the Harrison Street police station yesterday morning.

"Burke also avoided Officer John Collins, who was the only man he knew out of the many who accompanied him on his way to Chicago. Another thing disclosed by this piece of intelligence is that Senator Kennedy, the attorney who has been given credit for much cunning advice to Burke, was but obeying orders given at second hand. Mr. Kennedy accompanied the party from Winnipeg, and saw that the instructions sent from Chicago were carried out."

Burke was arraigned, and he pleaded "not guilty," thus closing this part of this romantic case.

The only other incident which needs to be kept in memory at this time is the very curious one of the rival picnics which were held at Ogden Grove and at Cheltenham Beach, the first by the Irish societies of Chicago, the second by the people who called themselves, in a special manner, the friends of Dr. Cronin, and the purpose of whose gathering was to provide funds for the prosecution of his murderers.

The matter came up in a peculiar way. It has been for years the custom to hold a picnic on the 15th of August in Chicago at Ogden Grove, at which the united Irish societies assist, and the proceeds of which are devoted to national purposes.

When the first meeting for the purpose of making arrangements for the picnic was held at McCoy's Hotel, there was a very warm difference between a small minority of the people present, who thought the usual picnic should be abandoned, and the majority, who proposed going on with the usual celebration.

The fact beneath was of course that the "anti-Trianglers" so-called did not feel that they could go in with their former asso-

ciates. The split was one that was bound to come, and no better way of making it was thought of than getting up a rival picnic to be held on the same day, whose proceeds should be used in the endeavor to prove that the other fellows ought to swing.

Dr. Cronin's friends put themselves in the wrong from the first, because they had to hold themselves out to the Irish people as antagonizing an enterprise which was manifestly for a commendable Irish purpose.

It was a test question, and there can be no doubt about the answer. The crowd at Ogden's Grove, in spite of the fact that every newspaper in Chicago boomed the Cheltenham Beach picnic, and denounced the "Trianglers'" gathering so-called, was a tremendous one, and thoroughly Irish. At Cheltenham Beach also there was a very large assembly, but it was by no means made up of Irish men and women exclusively. A great many non-Irish elements were represented—and some elements which their enemies did not hesitate to describe as anti-Irish. As far as the test went it would seem to show that the great majority of the Irish people of the city had determined not to withdraw their confidence from the old leaders.

The speeches on both occasions were somewhat significant. John Finerty, the chairman of the Ogden Grove demonstration, said:

"I stand here as chairman of an Irish gathering called under clouds, but already emerging under the warm smile of God's approval. We stand here the denounced of the Chicago press, the focus of British hatred; we stand here with the banner of the nation above us and the banner of the old land beside it, and we will lay either down never. We have endeavored to be honest friends to the American people; we can defy any man to point to a field of battle fought for the foundation or maintenance of this Union where Irish blood has not been generously poured out. Rebels at home, as we ought to be, we have here been loyal to the uttermost of our souls, to the best blood of our hearts. The American people have not impeached that loyalty, but the serpent

folds of oppression thrown across the sea seek to crush us even here.

"We have been denounced from every quarter; our societies are called murder associations. It is a lie. There is but one murder organization in modern politics, and that is the British Government. Every effort has been made to scare away from this meeting Irish men and women. Do they not know that they can not drive us away from our cause? The gallows is red with Irish blood, the English dungeons are red, the battlefields are red—and shall mere newspaper clamor do what these failed to accomplish?

"We and the American people were marching together hand in hand when this tragedy that we all deplore occurred. They are liars who say we approve murder. We do not. Our cause is too sacred. The Irish people are guilty of no crime. We are ashamed of nothing we have done, and we are here to prove it. The overwhelming majority shows where the Irish people stand. They have attempted to keep you away from Ogden's Grove today, but you have come. They have failed and we have no malice, but we want to tell them that this task is beyond their powers. The Chicago press must learn that it cannot be witness, judge and State's attorney in the same case. We live under the Constitution and we will have our rights, nor do we need any instruction from any native-born American or imported British as to our duties. We stand on our record."

Mr. Dunne, the chairman of the Cheltenham Beach gathering, declared that the meeting at Ogden's Grove was the embodiment of the factional element. It was dominated, he said, as the Clan-na-Gael for some time undoubtedly was, by adventurers and political tricksters. He referred to the fact that this was the first time that the Ogden's Grove gathering was brought together ostensibly in the name of Charles Stewart Parnell. He asked how long this had been the programme of the Ogden's Grove picnics. The funds there collected had not always been given to the support of the constitutional movement. They had been gambled with upon the Board of Trade by some of the men who had had charge of those demonstrations for years. Mr. Dunne concluded by declaring that, although the Ogden's Grove affair was professedly called in aid of the Parnell movement, it was in reality called to

indorse the foulest and most barbarous murder ever recorded in the annals of human crime.

It will thus be seen that there was some difference of opinion between the two parties. The profits of the Cheltenham Beach picnic, which were turned into the fund for the prosecution, amounted, it is said, to \$2,000. The net proceeds of the Ogden's Grove picnic were a little over \$4,000, and were forwarded to Mr. Parnell.



CHAPTER VIII.

Closing up the Case—Klahre and the Tin Box—Mrs. Whalen—Her Visits to the Jail—Will Any One Confess?—The Prisoners Stubborn—Trying for a Severance—The Change of Venue—Woodruff Separated from the Others—Woes of a “Confessor”—The Suspects before Judge McConnell—Ending of the Preliminaries—Calling the Conspiracy Case.

THE end of the preliminary work was now at hand, and the legal battle was about to begin. Before this was commenced, however, another important piece of evidence was secured, which was believed, at the time, to be extremely dangerous for Martin Burke.

This was the discovery of a tinsmith who had soldered, for Burke, just after the murder, a very suspicious-looking tin box.

1889 May 6, two days after it is supposed Dr. Cronin was murdered, an express wagon stopped in front of the hardware store of H. Klahre, 88 North Clark Street. Martin Burke sat beside the driver, and a large tin or galvanized iron box was in the wagon. This box was twenty-eight inches long, fourteen inches high and about twenty inches wide. It would hold as much as a very large sachel or small trunk. Burke took the box to the tin-shop connected with the store and asked that the lid be securely soldered at the back, the front and the sides. This was done, and the lid was thus hermetically sealed. The box was soiled, some dirt being observed upon it, and it had the appearance of having been buried or kept in a cellar. The box was not opened in the store, and Burke stood beside it all the time the lid was being soldered. This tin chest appeared to be rather heavy, and all the circumstances seemed then to warrant the inference that it contained Dr. Cronin's clothes, which were, however, subsequently found in another catch-basin. There was also said to be reason

to believe that this box had been made for the special use to which it was put, and that its destination was the other side of the ocean.

Speaking about the incident, Mr. Klahre said: "Of course we did not suppose the box contained the clothes of a murdered man. We did not try to see what it contained, but, if we had suspected anything was wrong, we could have telephoned to the police."

The importance of this discovery was held chiefly to consist in the fact that it corroborated the theory, at the time very generally advanced by the newspapers, that the murderers intended to send Dr. Cronin's clothing to Europe, where it would be put upon the body of some dead man, whose decomposed remains would afterward be found in the Thames or some other river. The clothes and papers on the body would identify it as that of Dr. Cronin, and the tidings would be heralded to the world that he had fled from Chicago to carry secret information to Ireland's foes; that his perfidy had been discovered, and that he had been killed as a spy before he could escape back to the United States. The evidence against him would thus have been damning, and the world, according to the theorizers, would have accepted it almost without a doubt of its perfect genuineness.

Day after day reports were current that this or that prisoner was about to confess. Now it would be Beggs whose conscience had proven too much for him; now it was Burke who had finally recognized the futility of being hanged to screen more guilty conspirators; now it was O'Sullivan who had decided to unbosom himself of his share in the crime, and Mrs. Whalen was ordered to quit visiting on the ground that she prevented him from doing so; and now it would be Coughlin whose wife had prevailed upon him to tell all, or Kunze who saw no reason to longer shield the people who had betrayed him.

There was no confession, however. All the prisoners stubbornly denied their guilt, and demanded to be put upon their

trial, somewhat, as it seems to be now admitted, before the State was quite ready to go on.

The first appearance of the prisoners was in the dock in Judge Horton's court on the morning of July 28.

"Is the State ready for trial in this case?" asked the court, as soon as the prisoners were brought in.

Judge Longenecker applied in the affirmative. "The case is on the calendar for this month, your honor, and I should like to have something done with it," added the State's Attorney.

Attorney W. A. Foster, on behalf of John F. Beggs, reminded the court and the State's Attorney that he on behalf of his client had made every effort to secure a speedy hearing and admission to bail. He was ready to go to trial now; in fact, he demanded a trial now, and he also demanded that his client be admitted to bail.

"Put your motion in writing, Mr. Foster," said the court.

"I shall, your honor," replied the attorney, "but before doing so I will ask that the record show that a demand for an immediate trial has been made."

"And I will ask, your honor," chimed in Judge Longenecker, "that the record show that the defendant is indicted for conspiracy with a number of others, one of whom is in Canada."

In reply to a question by the court A. B. Brown, attorney for Woodruff, stated the latter was not prepared for trial and desired a continuance until next term. O. N. Carter, representing W. S. Forrest, counsel for Dan Coughlin, announced that an agreement had already been made with the State's Attorney that this defendant's trial should be continued to the next term.

Kunze was the only one of the five unrepresented by counsel and for whom there was no one present to speak. The court asked him if he had any attorney to speak for him. Kunze replied rather forcibly that he had not and furthermore did not want one. "What I do want," he said, "is to know what I am arrested for. I have been charged with murder, and I have been

told I was arrested on that charge, but I have not seen any indictment against me yet."

This remark acted as an eye-opener for some of the lawyers, and Attorney Foster at once asked whether any of the defendants had been furnished with a copy of the indictments. It turned out that none of the prisoners had been so supplied, and Judge Horton at once ordered that copies be procured and given to each one of them.

An easy way of accomplishing this was discovered by Clerk Flynn, who suggested that they be all required to stand up while he read the "omnibus" indictment under which they were held.

"On the 26th day of June, gentlemen," said the clerk, "you were indicted for murder. Are you guilty or not guilty?"

This brought up another new situation which some of the lawyers grew alarmed about. "I don't think, your honor," interrupted Attorney Foster, "that the defendants ought to be asked to plead at this time. We have not decided what course to take; it may be that we will want to enter a motion to quash the indictment before any pleas are entered."

"But even if the pleas were entered they could be set aside to allow a motion to quash to be entered," said the court.

Attorney Carter cut the discussion short by entering a motion to quash as to Coughlin, and the others immediately followed suit.

Attorney Joseph David, of the firm of Donahoe & David, attorneys for P. O'Sullivan, who was not present during the foregoing discussion, turned up at this juncture and entered motions for a change of venue in each of the three indictments against his client. Mr. David presented affidavits in support of his motion. It was for a change of venue from Judge Horton and Judge Kirk Hawes. The affidavits in support of the motion were made by O'Sullivan himself, Lawrence P. Brown and J. Emmett Pearson. O'Sullivan swore that he believed these two judges were so prejudiced against him that he could not have a

fair and impartial trial before either of them, and that he had not learned of this prejudice before the 26th day of July. The affidavits of Brown and Pearson stated that they were citizens of the county, and were not of kin or counsel to the defendant O'Sullivan, and that they, too, believed O'Sullivan could not have a fair and impartial trial before either of these Judges. This motion, which was wholly unexpected by Judge Longenecker, threw a different light on the whole subject, and it was agreed all around that the decision on it would be postponed until ten o'clock the next morning, and that the motions to quash and for immediate trial for Beggs should go over with it and be disposed of at the same time.

This was all very neat, but it failed of its main object, which was really to secure a severance for the prisoners on trial. Judge Horton gave O'Sullivan the desired change of venue to Judge McConnell's court, but at the same time sent all the other cases over to the same tribunal, leaving them together as before.

The change by no means pleased the "confessor" Woodruff, who found himself in a particularly unpleasant predicament. The other prisoners would have nothing to do with him and the State would have nothing to do with him. He interjected himself into the case without results, save the result of much inconvenience to himself.

The fight for a severance came to a focus before Judge McConnell on August 26, and it was then very plainly evident that the State would prefer a further delay. Part of the proceedings, after the prisoners had filed their affidavits asking for a severance, was at once interesting and illustrative of the methods in which the work of the prosecution was being done.

State's Attorney Longenecker, after the affidavits were read, said he would like to have at least a week to prepare his answer.

"Is there anything in the affidavit in the character of a surprise to you?" asked Judge McConnell of the State's Attorney.

"Yes, sir," said Mr. Longenecker.

"What is it?" queried Mr. Forrest.

"That you should ask for a separate trial for Coughlin."

"Are there any matters contained in the affidavits that are surprising?" questioned the court.

"Yes, sir, there are some things that are surprising to me. It surprises me that they should make the kind of statements they do."

"May it please your honor," said Mr. Forrest, "my client Coughlin was indicted at the May term. At the June term, at the request of the State's Attorney, I continued the case to the July term, saying that we didn't want any snap judgment, and that both parties probably wished to get ready for trial. I wish it to be distinctly understood that my client as well as Mr. Donahoe's client took a continuance at the June term at the request of the State's Attorney. Now, at the July term I called upon the State's Attorney and said that I did not care to go to trial during that hot weather, as I wanted a vacation. He said that he didn't either. Then I called upon Judge Horton and upon Messrs. Mills & Ingham, and they didn't care about proceeding with the trial either; so it was by common agreement of all the attorneys for the prosecution and defense that the cases were continued at the July term. Mr. Donahoe talked about it, it will be remembered, and spoke to his client, and at first his client wouldn't have it. We urged him to agree, but Mr. O'Sullivan for awhile was obdurate. 'I am ready for trial,' he said, 'and I want it at once.' Finally, however, it was agreed. In my absence this case was latterly set for the 26th. We have been preparing for this as carefully as we could. It seems to me that the State's Attorney has studied during the last three weeks to force us to delay. We now come here, your honor, and demand the trial. Why, somebody even saw to it that the grand jury should not do its duty, and put all the names of the witnesses upon the backs of the indictments. There were some two hundred or three hundred witnesses examined, as we learned from the

press, and their names were kept from the indictment, although the law says the foreman of the grand jury shall indorse on the indictment the names of the witnesses. Not only that, sir, but the State's Attorney has personally instructed witnesses not to talk to the counsel for the defense.

"We have called upon witnesses, and they have told us that their lips have been sealed by the State's Attorney of Cook County and by Capt. Schuettler. We have told them that we were counsel for Coughlin and O'Sullivan, and that we did not ask them to talk in private. 'Call your friends in and we will get a short-hand reporter and have him take down only the statements that you make,' said we. But their lips were sealed. Now, sir, what right has Mr. Longenecker to say to a witness who knows facts tending to show my client's innocence that he shall not speak, and seal his lips from the attorney for the defense? Knowing that, as soon as I returned from my vacation I called upon the State's Attorney and presented a written request for the names of all the witnesses. That was fifteen days ago. Day by day we were put off, until yesterday morning we received the names of one hundred and fifty witnesses. The first continuance was by his request, the next was by agreement.

"What I wish to know, as a member of the Illinois bar, is this: By what right does any tribunal under heaven seal the lips of a witness who knows material facts tending to show the guilt or innocence of any person? What right has he to go to a witness and say to that man, 'You must not talk with W. S. Forrest, or with Judge Wing, or with Daniel Donahoe?' The prosecutor has gone to Mr. Burke, so he informs me, and urged him to discharge Mr. Kennedy."

"It seems to me," said the court to Mr. Longenecker, "that your request involves too long a delay. I should suppose that you would be prepared early for trial."

"This trial was set nearly a month ago," said the State's Attorney. "Now, I want to state another thing: The truth is, I

am not able to proceed with the trial now. I am feeling too badly to go on at once with an argument of this question. I am sick—that is the fact of the matter. I do not believe I can stand the argument for a separate trial at this time. That I will state upon my honor as State's Attorney. Mr. Hynes and others will doubtless be associated with me in the case, but they are probably not prepared just now to get up and argue this new phase. I will be frank, and state to the court that I am ill. This is the first time in my life that I have ever found it necessary to appeal to the court in this way. I never would have come into court at all this morning if it had not been an important case. This is the first time that I have ever asked for delay in this case. Mr. Forrest will state that he asked for delay as a matter of favor; he stated at that time that he was not well. I said to him at that time that there were others whom he must see before the matter could be agreed to. I worked last week as industriously as possible in this case. Outside of these motions I am well prepared to go to trial. I have never before asked delay. I simply did not wish to try it in August. They have all along said that they were ready for trial; now they come in here and say they want a separate trial."

"I presume," said Mr. Forrest, "that Judge Longenecker's indisposition will be over in twenty-four hours. In any event there is Luther Laffin Mills and Mr. Ingham, and Mr. Hynes and the whole detective force of Chicago and the Cheltenham Beach fund behind you."

"I take it," said the court, "that this is a matter which assistant counsel could dispose of. However, if State's Attorney Longenecker states upon his honor that he is not well, I must consider his request. Still, I dislike the delay."

The matter was finally settled by an adjournment until Wednesday morning, when the severance was argued exhaustively.

Judge Wing, who led in the speech-making, declared first

that trying the defendants together worked an injustice on account of the opportunity it gave the State to take advantage of its peremptory challenges and the confused possibilities growing out of unlimited cross-examination.

"And why," he went on, "should the State insist that one of its citizens should commingle his fortunes with those of numerous other defendants? Why, the prosecution know that every syllable of testimony that they could introduce upon a joint trial which would be inadmissible upon a separate trial. Your honor at the last would direct the jury to disregard as to my client, but I suspect they further know and think that the jury would not obey that instruction. The State is not injured by a separate trial. The State is not harmed by according to its citizen a case isolated from the cases of other men. If they are at any disadvantage, they lose what they ought to lose, nothing further.

"There is another reason that every trial lawyer is perfectly aware of. No matter how disconnected you may be in point of truth from the other men who accompany you from the jail into the court-room every morning (it may be that you never saw them — it may be that you never heard of them until you were brought in together by the bailiff on the first day of your trial), yet the twelve men who sit in those chairs will connect you together. They see you walking together in the morning, sitting together during the day, departing from the room together at the close of the day's trial, and beyond all doubt your association with them will prejudice your case. Your lawyer will be held responsible for the conduct of the attorneys for the other defendants, and upon the argument it may well enough happen that an attorney representing A will need to make such a presentation of A's case to the jury as to tacitly admit the guilt of B, at least not controvert it, and the jury will construe an argument of that sort most fatally against the other party.

"Especially would that be true in a case where the State's proof consisted of circumstantial evidence. If it was a case of

direct and positive evidence the effect would not be nearly so harmful; but circumstances are peculiar things. An ingenious man can put a tongue into a circumstance and make it speak almost any language he pleases; and where one defendant is compelled to associate with other defendants, many circumstances, totally inadmissible as against him if tried alone, will get into the case, and the able counsel for the people will apply those circumstances to the particular defendant against whom they are inadmissible, and thereby prejudice him.

"Take the renting of the flat at 117 South Clark Street: it is not pretended that Daniel Coughlin knew anything about it. It is not pretended that he participated in it. How, I ask, upon his separate trial, can that circumstance be introduced in proof on the part of the State? Take the circumstance of the renting of the Carlson cottage on the 20th of March, rented by a man by the name of Williams, a man that the State now says is one of the defendants here under the name of Burke. I ask how, upon a separate trial, in the absence of proof of conspiracy, could the fact of the renting of that cottage be admitted against Daniel Coughlin? Take the fact that immediately subsequent to the renting, at the very time of the renting, there was a conference, a meeting, an interview between Martin Burke and P. O'Sullivan, at the scene where the State alleges this homicide later took place. I ask your honor by what rule of evidence, until they establish a *prima facie* case of conspiracy, the State could ever introduce that in evidence against Daniel Coughlin upon his separate trial?

"And are not those prejudicial facts, are they not damaging facts, are they not facts that your honor cannot, by instruction, direct the jury to disregard, as against my client? Do you imagine that they would obey any instruction that you might give upon such facts as those?"

He then reviewed the different circumstances wherein statements made by O'Sullivan might be used against him and the

other defendants, and pointed out the difficulty with which such evidence could be held from affecting the jury, and went on to say that "no matter if a conspiracy is proved after the death of Cronin, no word or act of Burke's can be heard in a court of justice against any man except himself. That is the rule of evidence. His conduct prior to that occasion cannot be proved against any other human being except himself until the State establishes a *prima facie* case of conspiracy. When that is done I concede it is admissible.

"But I say that so far as the case stands now before the court the court has no right to believe that one single act of Burke's prior to that fatal night would be admissible against Daniel Coughlin, my client. And are not the circumstances harmful? The renting of the building under an assumed name is a circumstance from which a lawyer could draw a good many harmful inferences. The circumstance of such a man, thus seeking to conceal his identity, marching over to talk to a man in an adjacent lot, the fact that the premises were not occupied, all those facts will be, as the court will hear later from the lips of the men who are now opposing this severance, damaging criminalizing circumstances, and if we live long enough we will all hear, if those men are kept together, these very lawyers urging those inferences against my client, while we know to-day and will know then that legally they have no application against him in the present state of the case.

"But take the fact of flight, fleeing to Michigan, to Winnipeg, would your honor think that your State was using you fairly if you were compelled to be put with other men and tried for your life—men against whom such facts existed? It is right and fair that every man should answer for his own conduct and his own conversations, but it is neither morality nor law that he should be held responsible for the acts of other men.

"Now all this, your honor, will go before the jury upon the joint trial—testimony that could not be heard upon the separate

trial. Why should they seek to try them jointly? The State does not lose a single right it has. It is not deprived of a single honest privilege that it possesses.

"Again, they insist that we shall be tried with a confessor, when for two hundred years every court in Christendom has said and ruled that that was wrong and illegal. There cannot be a case found in the books where a defendant has been obliged to submit his case along with that of a co-defendant who had confessed the felony. There is no doubt as to the law upon these subjects. It is plain and it is well known.

"I apprehend that my friends cannot find and read to the court a single case reported where a defendant who asked for a separate trial was ever forced to go to trial with a defendant who had fled.

"In view of all these things I ask for that which cannot harm the State. I ask for that which I believe to be Daniel Coughlin's right, a severance from these other defendants."

Similar arguments were urged by the other attorneys for the defendants, and after a very heated personal discussion between Mr. Forrest and Mr. Longenecker, in which the State's Attorney had by no means the best of it, Judge McConnell took the matter of the severance under advisement, and said that he would pass upon it the next day.

On the next day accordingly the parties assembled to hear from the bench the decision that Coughlin, O'Sullivan, Burke, Beggs and Kunze could not have a separate trial, but that a severance would be given Woodruff. According to one of the publications of the day: "Judge McConnell's order granting the others a separate trial from Woodruff gives the defense a slight advantage. Woodruff's own motion for a separate trial was not granted because his grounds did not warrant a decision in its favor. The effect, however, is practically the same, the only difference being that the records show that so much of the motions for separate trials made by Burke, Coughlin and O'Sullivan as

apply to the severance from Woodruff is granted. The defense gains some advantage because a difference in Woodruff's standing in court is obtained. As a defendant he could take the stand and testify, but the cross-examination of defendants is restricted and there could be no attempt to impeach him. In the event that he testifies now he becomes subject to the rules applying to all witnesses, and there is no restriction upon his cross-examination by the attorneys for the other defendants. Mr. Forrest has boasted that he is prepared to attack Woodruff in the event of his becoming a witness for the State. He couldn't do it before; he can do it now, and therefore has gained whatever advantage he can make out of the cross-examination."

This done, the jury stated that the conspiracy case would be called upon the morning of Friday, August 30th, and the attorneys for either side left the court-room to prepare for the coming struggle.



SCENE IN THE COURT-ROOM DURING THE GREAT TRIAL



BOOK IV.

THE LEGAL BATTLE.

CHAPTER I.

Wanted, a Jury—Attorneys on Either Side—Luther Laffin Mills and Wm. J. Hynes—How they Came into the Case—Hynes and Alexander Sullivan—Forrest, Donahoe and Wing—Their Peculiarities—A Legal Tournament—The Challenges—The First Juror—The Cost of the Panel—Expensive Articles—Odd Statistics of the Case—The Lesson of the Anarchist Trials—Popular Speculations on the Result—The Jury Complete—Who the Men Were.

THERE had been so much talk and so many rumors that nobody believed that the Cronin case was really going to trial on the morning of August 30th, when it was called in Judge McConnell's branch of the Criminal Court.

The hands of the clock pointed to a couple of minutes past ten. The room was crowded with prisoners, lawyers and lookers-on; all of them prepared to hear that something had happened or was going to happen which would postpone the opening of the great legal drama of the century.

Mr. Donahoe, addressing the court, demanded an immediate trial for his clients, Kunze and O'Sullivan.

"The State is ready for trial," said Mr. Longenecker in an easy conversational fashion. He proceeded to say that his regular assistants were engaged in the usual work of the office and would be unable to assist him. He asked, therefore, that the records show the selection of Messrs. Hynes, Mills and Ingham as his assistants during the trial.

Against this Mr. Forrest protested, desiring that the record

should show that those gentlemen had been employed by private parties.

The formal appearances were as follows:

For John P. Kunze and Patrick O'Sullivan—Donahoe & David.

For Daniel Coughlin—William S. Forrest and R. M. Wing.

For Martin Burke—William B. Kennedy.

For John F. Beggs—William A. Foster and M. E. Ames.

For the State—J. M. Longenecker, George H. Baker, Robert Jampolis, W. J. Hynes, L. L. Mills, and George C. Ingham.

A special venire of fifty jurymen was ordered to be in readiness at two o'clock, and the court rose. When two o'clock came the crowd about the building was so thick that it was impossible to make way into the chamber, even for the officials. Manifestly the trial was going to be a drawing card.

The real work began very quietly, in a most business-like fashion, which gave little hint of the interminable length to which the examination of talesmen was going to be drawn out.

In the court-room was a long table, to which others were placed as L's. In one place were grouped the attorneys for the defense. So near them that Forrest and Mills were able to shake hands, were the prosecuting officers.

All the lawyers engaged in the Cronin case were comparatively young men. Not one of them was over fifty, and two of them had hardly reached their twenty-fifth year.

Joel M. Longenecker, the State's Attorney, is a native of Illinois, having been born in Crawford County January 12, 1847. He comes of good Pennsylvania Dutch stock, and has many of their characteristics. He is careful, painstaking, and aggressive when the occasion demands it. He has wonderful physical endurance and is capable of a great deal of work. He has been in the public service in many capacities, first as a volunteer soldier in the Union army, which he entered at the age of eighteen. He was City Attorney of Olney in 1876, and was thereafter

elected State's Attorney of Richland County. In 1884 he became an Assistant Prosecuting Attorney under Luther Laffin Mills, then State's Attorney, and his associate in this case. He continued under State's Attorney Grinnell, doing the heavy ordinary work of the Criminal Court while the State's Attorney and Mr. Furthmann and Mr. Walker were engaged in the Anarchist and boodle cases. When Mr. Grinnell succeeded to a



JUDGE McCONNELL.

seat on the circuit bench, Mr. Longenecker was elected his successor, and was re-elected a year ago. He is a ready and forcible speaker, and is a terror to witnesses with troubled consciences on cross-examination.

Luther Laffin Mills is known to nearly every one in Chicago as a brilliant orator and a really great lawyer. In a case which he tried in Cincinnati some time ago against Judge Thurman, he

displayed such remarkable powers of legal presentation and forensic oratory that the Old Roman paid him the highest compliments. He has been engaged in nearly every great case in Chicago for twelve years. He is essentially a Chicago man, for though born in Massachusetts forty-one years ago, he was brought here when he was but one year old. He was educated in the Chicago schools, graduating from the high school, where his brilliancy and manliness gave promise of his future success. After leaving the high school he attended the University of Michigan. When he graduated he took to the drudgery of bookkeeping, and subsequently became a drummer, studying law during the whole time. When admitted to the bar he entered into a partnership with George Ingham, and they still maintain these relations. He was elected State's Attorney in 1876, and served two terms. It is in his capacity as a practitioner before the courts for private parties that he has won his greatest success and fame. He has great penetration, good judgment and quick apprehension. These, with a splendid voice and great oratorical powers, make him a great lawyer.

William J. Hynes, who was associated with Mr. Mills, made his reputation in the Carter case in 1889 in opposition to Mr. Mills. He is of Irish birth, and possesses in a marked degree the oratorical gift of his race. He combines with that sound judgment, a ready perception, and excels in repartee. Mr. Hynes served a term in Congress from an Arkansas district, and was a candidate for Judge and for State's Attorney in Chicago. He is an Irish Nationalist.

George C. Ingham was but thirty-seven years old. He is an Ohioan, and has never been a candidate for public office, though he has been offered a nomination for the Judgeship by his party. His earned reputation was in the Anarchist case, where he was the chief lieutenant of Mr. Grinnell. His main duty was to keep the record clear of errors. He not only did it, but made the best

speech in that famous trial, and yet it occupied but an hour and a half.

William S. Forrest was of course the leading lawyer for the defense. He would not have a second place. He is bright, sharp,



PORTRAITS OF THE JURY. I.

rasping—the people on the other side called it irritating. He is a native of Baltimore. He studied law in Boston, practiced first in Wisconsin and then in Chicago. His first success was in the noted case of Johnny Lamb, whom he certainly saved from the gallows. Mr. Forrest is a criminal lawyer of undoubted ability, and is well posted in criminal decisions. He is persevering and

industrious. He is about forty-five years old, and is said to have one of the most lucrative practices at the bar.

Mr. Wing was the heavy weight for the defense. He is ponderous, methodical, and imperturbable. He was a rural Judge



PORTRAITS OF THE JURY. II.

—the same who presided at the trial of Schwartz and Watts for the murder of Kellogg Nichols.

William N. Foster made his reputation in Chicago by his defense of the Anarchists. He is well read, is a forcible speaker, courteous to his opponents, but alert in the defense of his clients.

He made quite a reputation as an orator in Iowa, and was in the State Senate there. He is a man of decided ability.

Mr. Donahoe was, throughout the trial, one of the most energetic and talented of the bright legal galaxy in the court-room. He, too, is a young man, and, although perhaps less known than



PORTRAITS OF THE JURY. III.

some of his brothers, he made a reputation in the Cronin trial which he will long find valuable.

Behind their attorneys sat the prisoners, John F. Beggs, Coughlin, O'Sullivan, Burke and Kunze. No vacant chair was there for the absent Cooney, and Frank J. Woodruff, after some preliminary proceedings, was sent back to the jail. None of these

men looked either nervous or guilty. They were neatly dressed, clean-shaven, gentlemanly-looking fellows, as little like the typical conspirator as any one could well conceive. Kunze was the most uneasy of the lot. He seemed to resent being put on trial at all, and declared somewhat hotly that it was all "a foolishness" trying him for something he knew nothing whatever about.



PORTRAITS OF THE JURY. IV.

And so the stage was set and all was ready for the curtain to drop. Enter a jurymen, who told the State's Attorney that he lived in Austin, and was nearly twenty-three years old. He had not read the papers closely, although he had seen something of

the case. He would believe circumstantial evidence, and he had no scruples against hanging. Mr. Bridger was not chosen, however. He was number one of the long procession of excused who marched through the court-room for weeks upon weeks from the 30th of August almost to the end of October.

The questions asked him by the State outlined the general scope of Judge Longenecker's inquiries. In each case the State inquired into the talesman's opinions on the case; the manner in which he viewed circumstantial evidence, and whether he had any scruples about inflicting the death penalty. Each was also asked, moreover, about his acquaintance with the attorneys on either side, with the prisoners, and with Larry Buckley, Harry Jordan and Alexander Sullivan.

It was some time before the defense settled down upon a consistent line of questions. The formation of their interrogatories brought on some friction between counsel, and at last it was proposed that they should make out a list of the questions they desired to ask each jurymen, and submit them to the court.

This was done, and Judge McConnell said he would eliminate all but three of them, which here follow, and further he would only permit three questions to be asked witnesses who had read the newspaper reports:

"Have you formed any opinion as to whether or not the alleged murder of Dr. Cronin was in pursuance of the action or finding of a secret committee appointed by Camp 20 of the so-called Clan-na-Gael society, or its officers, or any of them, to try said Cronin for any supposed offense?

"Have you formed an opinion as to whether or not Dr. Cronin was taken to the Carlson cottage by the horse and buggy engaged by Daniel Coughlin from Dinan, the liveryman?

"Have you formed an opinion as to whether or not Martin Burke, one of the defendants, was a tenant of the Carlson cottage?"

Mr. Forrest—"Now, your Honor, as to the question of con-

spiracy. I would like to submit the following as a regulation question: 'Have you formed an opinion as to whether or not Dr. Cronin was killed in pursuance of a conspiracy?' That to be followed by this question: 'Have you formed an opinion as to whether or not any one of these defendants was concerned in this conspiracy, or was a member of said conspirators?'"

The Court—"I shall permit those questions."

Challenge followed challenge, and talesman followed talesman out of the box, until, on September 29th, the record stood thus:

Special veniremen	665
Regular panel	24
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Total	689
Challenged for cause	487
Accepted and sworn.....	4
Accepted by both sides	2
Accepted by defense.....	1
Excused without examination.....	62
Peremptories by State	57
Peremptories—Coughlin	20
Burke	20
O'Sullivan	19
Kunze	15
Beggs.....	1
<hr/>	
	76
<hr/>	
Total	689

The first four jurors were secured on September 18th.

It was on the 22nd of October that the jury was completed. The twelve good and lawful men finally chosen were: James A. Pearson, John Culver, John L. Hall, C. C. Dix, Frank Allison, Henry D. Walker, George L. Corke, W. L. North, C. E. Marlbor, E. W. Bontecou, E. S. Bryan and B. F. Clarke.

The jury in point of intelligence was perhaps one of the best that has ever been selected to try an important case. In this respect it was infinitely superior to either of the "boodles"

juries, and the lawyers claim it was fully equal to the jury that sent the Anarchists to the scaffold. The first man selected was James A. Pearson, a farmer at Glenwood. Mr. Pearson, according to his own statement, is fifty-five years of age, but he does not look a day over forty. He settled in Glenwood seven years ago, coming from a small town in central Illinois, where he managed a stock farm. He is descended from Pennsylvania Dutch parents, and he is a regular communicant in the Methodist Church. He is a slender man, about five feet eight inches in height, and his hair and mustache are slightly tinged with gray.

John Culver, of Evanston, is a real estate dealer at 108 Washington Street. He is a native Chicagoan and a brother of Martin Culver, the well-known lawyer. Mr. Culver is about forty years old, a member of the Methodist Church, and a man of a good deal of property. He is, according to his friends, essentially a listener, and it was predicted that he would place an intelligent construction on the evidence.

John L. Hall, the third juror, lives at Fernwood, where he has a pretty little home. He is a draftsman, and is twenty-nine years old. At one time he was employed in the office of James J. Egan, and at a still earlier period he was connected with the Bryant & Stratton Business College. Mr. Hall is an American, also a Methodist, and has gained some distinction in church circles as an ardent advocate of temperance doctrines.

Charles C. Dix, of 122 North Carpenter Street, has been cashier in the insurance offices of W. C. Rollo & Co., 210 La Salle Street, for nearly eight years. He was previously in the employ of the Pittsburg and Fort Wayne Railroad as clerk. His reputation is excellent. He lives with his mother and sister, whom he has supported for years.

Henry D. Walker, the oldest man on the jury, was within two years of the age when men are exempt from wearing the honors of a legal "peer." Mr. Walker lives at 3738 Cottage Grove Avenue, where he conducts an extensive upholstery busi-

ness. He was born in Iroquois County, Illinois, of American parents.

Frank Allison had the distinction of being the only mechanic in the box. He is a machinist, employed by C. T. Elmes, at the corner of Jefferson and Fulton streets, and he is said to be an uncommonly bright young fellow. He is married, and lives at 3439 Redwood Court, Hyde Park. Allison was born in Bloomington, Delaware County, N.Y., thirty-nine years ago.

Charles M. Corke was the only man on the jury who testified that he entertained deep-seated prejudice against the Clan-na-Gael as an organization. He added, however, that he could give the defendants a fair trial, and was accepted by both sides without opposition. Corke is a drug clerk, an American of English descent, and a member of the Methodist Church. He is also a member in good standing of the Royal League.

William North, the last man of the second four, manufactures machines at 60 Michigan Street, and lives at 96 Walton Place. He is described by his friends as a high-minded gentleman. He is a native of Cleveland, Ohio, is forty-three years old, and a member of the Fourth Presbyterian Church.

Edward S. Bryan is a salesman for E. J. L. Meyer & Co., of 307 Wabash Avenue, dealer in law books. He is an American, lives in Maywood, and is a member of the Congregational Church.

Elijah Bontecou is a salesman for Bissell & Co. He is a native of Troy, N. Y., is thirty-five years old, and has lived in Chicago twenty-one years.

Charles E. Marlор, the eleventh man, lives at 429 Washington Boulevard, and has been a resident of Chicago nearly three years. He was born in New York, of English parents, is a member of the Episcopal Church, and is twenty-nine years old. His employers are Clark, Raffin & Co.

Benjamin F. Clarke, the twelfth juror, is fifty-five years of

age, and has been engaged in the real estate business in Chicago for a quarter of a century. He lives at 4132 Evans Avenue.

When the last four were sworn Judge McConnell ordered the bailiffs to bring in the eight men who had been penned up in his private room for periods ranging from four to seven weeks. They were released from their narrow quarters, conducted to the box and instructed to preserve an absolute silence toward each other as to the merits of the case they were to try. Then they were sent back to their temporary prison to await the bailiffs who had been detailed to look after their comfort. Once out of sight of the crowd, Pearson, the Glenwood farmer, who had been in custody since September 9, let loose a yell that rattled the windows. Even staid John Culver could not control his exuberance, and, throwing his arms around Dix, he hugged him until Dix cried with pain. Hall danced a hornpipe to the air of "Nancy Lee," which was whistled tunefully by Allison and Walker. Corke and Walker shook hands with each other and laughed gleefully. Marlor, Bontecou and Bryan laughed at the antics of their brother peers and congratulated each other because they were not summoned earlier.

The only man who did not seem to be happy was Mr. Clarke. He was too much surprised to allow any other emotion to control him. His bald head glistened with perspiration, his face was very red, and his eyes snapped angrily. He approached Judge McConnell and demanded an explanation of his novel situation. He asked to be relieved at once, pleading urgent business considerations as the reason why his demand should be complied with. Judge McConnell told him it was out of the power of the court to consider his request.

For forty-five days the work had gone on, and 1,115 veniremen were examined before the requisite dozen were found. All known records in the history of criminal jurisprudence, so far as time is concerned, have been beaten in this case. The Anarchist jury, notwithstanding that the seven defendants had 140 per-

emptory challenges, was procured in twenty-seven days, out of 982 veniremen, and the jury that tried the omnibus boodle case, when the defendants had 240 peremptories, was made up in just eighteen days out of 720 veniremen. The five men who were on trial for the murder of Dr. Cronin had only 100 peremptory challenges to their credit.

Seven hundred and fifty-two citizens declared that they could not give the prisoners a fair trial. The chosen twelve cost the State \$3,800 in fees to veniremen alone.

Of the twelve men chosen six were tendered by the defense to the State, and the other six by the prosecution to the defense. Those tendered by the defense are Messrs. Culver, Hall, Dix, Walker, Corke and Bontecou, while the prosecuting lawyers were the first to be satisfied with Pearson, Allison, North, Marlbor, Bryan and Clarke.

Although in point of time I should have interpolated the account of the jury-bribing case in the midst of the account of the getting of the jury, it has been deemed best to make of this episode a chapter by itself.

There were other incidents, however, well worth the telling. One of them was furnished by the German, Kunze, who was gradually growing desperate over the failure of the State to particularize the charge against him.

One day—it was September 23—he got up on his chair in open court and said:

“Your honor, I would like to talk with you.”

“Have your attorney talk for you,” suggested the Judge in a kindly tone.

“For my own interest I would like to talk with you myself,” replied Kunze, a red spot in each cheek bespeaking the nervousness he felt. “Mr. Longenecker, last Saturday, have said if I was not guilty I lose nothing. I lose my health in the jail, and that is something. He will nothing give me by which I can prove myself what I done. No doctor can cure a man what don’t know

what is the matter with him. I don't know what I done—no man can defend himself until he knows what he done, and I want Longenecker to tell me what I done and what I am in jail for now, anyway.”

Another episode in which there was much interest at the time was the determined fight which Mr. Forrest made to get some of the blood from the Carlson cottage for analysis. One day, after a great many technical and aggravating obstacles had been put in his way, he went out to the cottage and carried away some of the stained wood by force and arms, a step which was resented bitterly by the Carlsons, and out of which may yet grow legal complications.

Still one more break in the general monotony was the escape of the witness Dan Carroll, who was being kept with some other witnesses in a house at 3809 Cottage Grove Avenue in a condition of quasi-imprisonment. The wildest rumors ran about town for a day and a night: it was a blood-curdling Triangle plot to frustrate justice; and the witness Carroll had been spirited away as part of the great conspiracy.

The sensation died as quickly as it was born, when it was developed a day or two later that Carroll had gone back to work at his former place on the Gage farm, having tired of the confinement in which he was being kept. He appeared on the stand, subsequently, and testified for the defense.

CHAPTER II.

A Bomb-shell in the Court—Charges of Bribery—How the Crime was Discovered—A Talesman's Story—\$1,000 for a Juror—Excitement in the City—"Peaty's in the Box"—Bailiffs Hanks and Salamon Arrested—Other Captures—Wild Suspicions—John Graham in Custody—His Connection with A. S. Trude, Sullivan's Lawyer—His Antecedents—The "J. G." Dispatch again—Henry N. Stoltenberg Brought in—A Special Grand Jury—Indictments all Around—An Amazing Attempt.

THE work of selecting a jury, unbrightened by a single interesting episode, and running over the same ground again and again and again, had gone on until the 11th of October, and the public was becoming heartily tired of the whole thing, when suddenly a bomb-shell was exploded, which shook the very heart of the city.



MARK SALAMON.



A. J. HANKS.

There is a magnetic feeling which bends the newspaper men to the quest of news. Some of them, it is said, can almost smell a "scoop." However this may be, there was some sort of an attraction which brought the ablest reporters in Chicago to the Criminal Court building on the afternoon and evening of October 11. It was like a journalistic convention in the great

marble-paved rotunda; yet not one knew what he was looking for. There was a general conviction that something was up, but just what that something was did not appear. A harder night's work "the boys" seldom put in in Chicago, but the results were *nil*, save a few possible libel suits among the papers that desperately suggested the next morning that the stenographer in the State's Attorney's office had stolen all the records in the case and made them over to the friends of the prisoner—a story for which there was not a shadow of foundation, but out of which will grow many legal complications.

Tireless watchers, waiting to supply an eager public with the very latest information, watched about Judge Longenecker's office hour after hour. It was brilliantly lighted within, and the police were rapidly and mysteriously smuggling people in and out, with every possible precaution to prevent the reporters seeing the faces of the people that were in apparent duress.

The attorneys themselves were manifestly boiling over with excitement, but they would not give out the faintest hint of what was going on, and when the last journalistic skirmisher gave it up and went home at five o'clock in the morning, the lights were still lit and the police and their companions still coming and going.

No secret that the newspapers want to get can be kept for twenty-four hours. Indeed, until the 12th of last October, it was thought that five hours was about the limit, and it is natural that it should be so. Here were some thirty of the shrewdest investigators that could be gathered together, gentlemen of education and special newspaper training every one of them, each with a wide circle of eager friends, and each fired by every incitement of the newspaper calling to uncover the mystery which a lot of mere lawyers and a bevy of ordinary police were trying to hide.

Before ten o'clock in the morning the secret was an open one—an attempt had been made to bribe the Cronin jury!

Court officials were mixed up in it; attorneys standing at the

very head of the profession were, it was said, inculpated; and the men who had all along been pointed at as the heads of the conspiracy were openly denounced.

I have told the story badly if the reader can not fancy what a burst of excitement such a revelation caused. The flagging and dying interest in the trial flamed up, and the doors of the court-room were besieged by a mob. Extras sold like hot cakes, and people who did not know each other stopped on the streets to discuss the very latest developments.

Mr. Longenecker had a conference with Judge McConnell, the result of which was a temporary adjournment of the trial, and a special grand jury was hurriedly summoned before Judge Horton, in another branch of the Criminal Court; but even in his charge to the grand inquest Judge Horton did not tell the great secret. His charge was:

"Matters have been brought to the attention of the court that make it seem to be the duty of the court to summon a grand jury in this hurried manner. Of the details of the matters which will be brought to your consideration I am unable to state. Indeed, it would perhaps be improper in me to attempt to do so. Your term of service will necessarily be short, and will depend chiefly upon yourselves. The court will await your service."

It was George Tschappatt who had been approached with an offer of money, and it was he who told his employer what the bribers were trying to do. In obedience to the summons as a talesman he came to the Court-house Tuesday afternoon, and sat in the ante-room, but was not called. He came again Wednesday morning, remained in the ante-room again, and about 10:30 o'clock Mark Salamon, one of the court's bailiffs, came from the court-room into the ante-room. He was an old friend of Tschappatt. The wives of the two men were friends before they were married.

Salamon suggested that they go out and have a cigar, and the two men went to a neighboring saloon. While there he said to Tschappatt:

"Do you want to make some money?"

The venireman innocently answered, "Certainly I do."

"Well, you get on the jury and stick for an acquittal and you will have \$1,000. The contract and arrangement can be carried out with your wife. It can be arranged so that she shall wear a certain colored dress if the money is paid to her on a certain day. If the money is not paid to her that certain day she is to wear a different colored dress, and the contract is to be off.

Tschappatt turned reproachfully to his friend and said: "I am not that kind of a man," whereupon the bailiff replied, "I am working for the court." Salamon then pointed to a buggy standing outside and remarked, "That is my horse and buggy."

At the noon adjournment Tschappatt went back to his place of business, and subsequently returned to the Court-house at 2 o'clock, after which he was called to the jury box, where he remained until 4:30 o'clock, when he was excused for cause. On leaving the Court-house he met on the steps leading to the sidewalk the man who had attempted to bribe him. Salamon turned to him and said:

"Where were you this noontime? I looked everywhere for you. They said they would make it \$5,000, and, d—n him, make him do it."

Tschappatt reproached Salamon for putting so low an estimate on his character, and returned to his place of business. He reported the proposition to his employer, who the following day reported it to the prosecution.

In Mr. Longenecker's office that evening Salamon and Tschappatt were confronted.

The case was followed vigorously, and another bailiff, A. J. Hanks, was soon in the toils. Salamon frankly told all he knew, which was that Hanks had told him that there was \$2,000 in it if they could "fix" a juror for the prisoners—\$1,000 for the juror and \$1,000 for themselves. Other information was procured

with hard work, so much so that after a day's work the special grand jury was able to indict the following named persons:

Alexander J. Hanks, bailiff.

Mark Salamon, bailiff.

Fred W. Smith, hardware manufacturers' agent, Nos. 135 and 137 Lake Street.

Tom Kavanaugh, contractor, Franklin Street. He at one time had been engineer at the insane asylum, and his partner had been summoned as a venireman in the present case, and peremptorily excused by the State.

Jeremiah O'Donnell, recently appointed United States revenue gauger.

Joseph Konen, fruit dealer, No. 246 West Madison Street, who was to get the \$1,000 from Hanks.

To this list was subsequently added the name of John Graham, a clerk in the law office of A. S. Trude.

Graham was charged with having employed Fred W. Smith, the manufacturers' agent, to bribe Harris Wolf, Louis Alexander, and Louis Herzog, three possible jurors. The list of men whom Bailiff Salamon was to approach was in Graham's handwriting, and this list had been given by Hanks to Salamon.

When questioned on this point Hanks at first denied that he had done anything wrong, but when he was confronted by Konen and Salamon, his dupes, who reiterated the stories they had told and retold, he reluctantly admitted that he had entered into a conspiracy with John Graham to procure a juror who would vote for the acquittal of the five men who are on trial for the murder of Dr. Cronin. He declined, however, to enter into the details of his interviews with Graham, which, he admitted, were very frequent, but when he was pressed hard for an explanation of his possession of the list of names, which he had handed to Salamon in the court-room, he said he got them from Graham.

"Where did he give them to you?" asked one of the State's attorneys who had been called to participate in the interview.

"In a saloon on Clark Street," said Hanks.

"What did he say about them?"

"Only that they were all safe men, who could be found at their places of business or their homes any day in the week."

"Did he give you any instructions about how they ought to be summoned?"

"Only that we were to tell them how to act in order to pass the State and the defense."

"Did you keep a copy of that list for your own use?"

"I did."

"Why didn't you keep the original, instead of trusting it to a man whose courage you knew nothing about?"

"Because I didn't pay much attention to the particular list I gave Salamon, and didn't notice that I gave him the one in Graham's handwriting."

"Are you willing to go before the grand jury and swear to these facts?"

"I will if you haven't all the testimony you want, but I'd rather not if I can be spared."

It was determined, after a long consultation between the lawyers, that Hanks' testimony would not be necessary to convince the grand jury of Graham's guilt. His own handwriting, combined with the testimony of Fred W. Smith, who finally yielded to the enormous pressure that was brought to bear on him, was enough for the purpose of the *ex parte* proceeding. A legal document which Graham had prepared in a criminal case a few years ago, was taken from the records of the court, and the jury was enabled to make a close comparison between it and the handwriting on the strip of paper containing the list of crooked jurors. A single glance satisfied them that one man wrote both, but they were strongly fortified in their determination to indict by the testimony of Smith and Bailiff Salamon.

Smith's story of his connection with Graham is in some respects a pathetic one. Several months ago he was appointed

executor of a small estate, which was in such a badly crippled condition that he was forced to engage A. B. Jenks, who is A. S. Trude's law partner, to help him carry it through the Probate Court. It required months to dispose of the matter, and Smith ultimately was forced to spend a good deal of his time in the offices of Trude & Jenks. There he met Graham, and almost before either knew it quite an intimacy had sprung up between the two. Things ran along in this way until August, when one day Graham appeared in Smith's office. He chattered with the manufacturers' agent for a while, and in a delicate way called his attention to the fact that he was not prospering very fast.

"Well, I should say I was not prospering," said Smith.

"Can't you work up business any?" Graham asked.

"No, I can't, no matter how hard I try, and my bills are accumulating every month," said Smith, with an impatient wave of his hand.

"Got any money now?" Graham asked.

"Only a dollar, which I borrowed this morning to buy lunch with."

"Say, Smith," said Graham, in a lower tone than he had been using, "I've got a little scheme which I think there is a good deal of money in, if the right man takes hold of it."

"What is it," the agent asked, with the dejected air of a man who had heard of schemes before.

"Why, it's simple enough, but it will require some judgment and nerve."

"Tell me what it is."

"It's worth \$1,000 cash down to the right man," said Graham nonchalantly.

Graham, cautiously at first, but with greater detail as he proceeded, unfolded the preconceived plot to procure bribed jurors to try the men who were on trial for the murder of Dr. Cronin. He said that it was absolutely necessary to defeat the ends of justice in this case to save certain men, whom he described as

good and reliable citizens, from the humiliation of standing trial in the future for alleged participation in the same crime. "The whole trouble is," said Graham, "that public opinion is so aroused that it will be impossible for Coughlin and the others to get a fair trial; hence we must protect them from the clamor by the only means that lies in our power to use." He continued to argue in this strain for awhile, and Smith claims that he was more than half satisfied that the murderers were really in need of some sort of outside assistance.



JOHN GRAHAM.

This resolution once taken, it was not a difficult matter for Smith to plunge into the plot with all the enthusiasm of a man who had the life and liberty of a friend at stake. He not only received suggestions from Graham, whom he met almost daily, but he offered suggestions of his own. He selected Wolf, Alexander and Herzog, whom he had known, and presented their names to Graham, who promised that they would be furnished to the right bailiff. He also suggested a good many other names, and agreed to use his influence in procuring them for the jury, but before he could do so the conspiracy was discovered and he was incontinently thrown into a cell at the Chicago Avenue Police Station.

On October 17th Henry N. Stoltenberg, Alexander Sullivan's private secretary, was brought in most mysteriously to the State's Attorney's office. Again all sorts of rumors flooded Chicago, but, after a day and night of unavailing pumping, Stoltenberg was released, just as *habeas corpus* proceedings had been begun on his behalf by his friends. He was not suspected of any complicity in the jury-bribing case; but he had been often seen in John Graham's company, and the story also ran that, immediately after his release on bail, Kavanaugh, one of the suspects, had gone to Alexander Sullivan's office and had a quarrel with him in Stoltenberg's presence. His arrest was merely a fishing trip after all.

In connection with Graham's arrest, the *Times* called attention to the famous "J. G." dispatch to Winnipeg, heretofore referred to, making arrangements for Martin Burke's comfort and protection on his way back to Chicago, and after some very ingenious detective work substantially established the fact that it was John Graham who sent the telegram.

The amazing attempt to corrupt the jury was received on every side as almost a sentence of death on the prisoners, although neither they nor their lawyers were charged with any complicity in the attempted crime. The effect, it was believed, would be to deter any juror who found himself in a minority against conviction from standing out against a verdict, lest people should believe that he had been bribed to do so.

All the attorneys for the prosecution declared that a most searching examination had been made into any possible attempts to tamper with the accepted jurymen, and that they were satisfied that the men in the box were good men and true, whose verdict would be an honest one delivered solely with regard to their oaths and their duty.

They also candidly stated that there was nothing in the evidence which they had procured which reflected in the slightest fashion upon the honor of the attorneys for the defense.

The jury-bribing cases will not be tried until after the Cronin case is disposed of. All of the accused are out on bail.

The case against them is direct and simple. John Graham is accused of preparing corrupt lists of jurors, or perhaps, more exactly, lists of jurors who might be corrupted. Hanks and Salamon are accused of approaching talesmen and offering them bribes. Hanks is accused of securing the summons of corruptible talesmen, with another person not indicted. Kavanaugh, O'Donnell and Smith will have to answer the charge of offering bribes to men who were to be chosen on the jury; and J. Konen is a talesman who is said to have agreed to take a bribe.

Salamon, Hanks and Smith will be used as State's evidence, and the charges against the others will be pushed.

The penalty for tampering with a juror in Illinois is five years' imprisonment, or one year's imprisonment and a fine of \$1,000.



CHAPTER III.

The Jury Complete—Who the Men Were—Longenecker Opens the Case—What the State Agreed to Prove—The Coil of Evidence—Getting Down to Hard Work—"Call Henry Roesch"—The Finding of the Body—Cronin's "Base-ball Finger"—A Tailor's Tale—Leg Measurements—What a Barber Remembered—The Scar on the Head—Maurice Morris and Joseph O'Byrne—Completing the Identification—The Dentist and the Teeth.

THUS everything was at last ready for the opening of the real work of the great trial. Popular curiosity was on tip-toe to discover what line the State was going to take; so many baseless and sensational rumors had been spread about the town that the most contradictory expectations were entertained as to what the State's case would be. One party would have it that either Burke or Beggs was to go on the stand for the State; another, that new arrests would be made, in consequence of the necessity which would be put upon Judge Longenecker to show his whole hand; still another declared that the State would depend almost wholly upon circumstantial evidence, and that the "mountain peaks" of the case had already been mapped out and given to the public. The latter were very nearly correct. Judge Longenecker's speech was a long one, but not a surprising one. It was a rehearsal of the facts already known, but it was so clear and cogent a rehearsal of them that it merits reproduction here, almost in full:

"We claim," he began, "that the murder of Dr. Cronin, as we shall prove it was a murder, was brought about by a conspiracy. These men are charged with having murdered Dr. Cronin. The evidence we shall introduce will be to show a conspiracy to murder Dr. Cronin. The evidence that we shall introduce will be that in the conspiracy which was formed and carried into exe-

cution, terminating in the killing of Dr. Cronin, all the conspirators are liable for murder, and the punishment for conspiracy ends in the punishment for murder. That is the position we take in this case.

"After the night of May 4, at 7:30 o'clock, nothing was seen or heard of Dr. Cronin, except as we shall prove that the same hidden hand that worked and moved this conspiracy, that concocted this scheme, was again working in this community to lead the people to believe that Dr. Cronin was still alive. That same hidden hand, that same mysterious work upon which the conspiracy rests in this case, was at work trying to make the people of this community believe that Dr. Cronin was not murdered, but was still alive. Not content with having beaten out his life, not content with having laid him to rest in a sewer, the same conspirators that brought it about were again at work for the purpose of blasting the character and reputation of the man they had murdered. And until May 22 the people all over this city and country had doubts as to whether the poor man was even killed, much less that the men who killed him were boring around hunting for his body. But May 22, when that body was found, stripped of all earthly effects, then there awoke in this community a desire that the guilty men should be brought to justice, and that the law should be executed; and they began to look and hunt for the perpetrators of the crime.

"What was it that prompted men to kill Cronin? What was it that took him from his home at that hour of night, sent on a mission of mercy, but instead brought him to his death? What was it? And for that reason we must go into the history of an organization in this country, and show you a motive in the case. I say we always look for a motive, because there is never a crime committed without a motive. In this case, while it is not absolutely necessary that a motive should be shown, yet we believe that we can show that motive so clearly to your minds that you will be satisfied that we have established the history of the crime, and the guilt of the accused on trial.

"In order to get at the motive we must examine into the history of the organization in this country known as the United Brotherhood, commonly called the Clan-na-Gael, established in 1869. Remember, now, that you are not called upon here to try the Clan-na-Gael organization. If that organization has no right to exist, then it is the duty of the Government under which it

exists to take hold of that. This organization began its existence in 1869, and was organized for the purpose of freeing Ireland by force of arms. Into that organization went patriotic Irishmen. Into that organization went Irishmen for political effect. Into that organization went Irishmen for the money that was in it. Remember that this organization required every member to be of Irish descent; that its sworn duty was loyalty to Ireland; that every move was to be made in the interests of freeing that country when the time came for movement in that direction—not by peaceful work, but by legitimate warfare. That was the object for which it was organized.

“Now there is no question that that organization was created for the purpose, as I say, of freeing Ireland by war, and a great many patriotic Irishmen who looked across the waters and saw the suffering of their people in their native land went into the organization in good faith, believing that some day they would set Ireland free, and give her a republican form of government. At that time there was an executive board composed of one member from each district, but in 1881, in Chicago, this organization met in national convention, and they selected on that board Alexander Sullivan, Feeley and Boland, and they reduced the executive board to five men. Thus three men, it will be seen, constituted the majority of that executive. The members of this executive board had the right to do and to command, and no one had the right to disobey. Whatever they said must be done. The members had to do it; they were sworn to do it, and the laws of that organization arose above the Government and everything else. As soon as Alexander Sullivan, Feeley and Boland took charge of the executive board, they began to send out their circulars and began to adopt a different form of work in this order.”

Mr. Forrest here objected to the State's Attorney bringing in alleged doings of the Triangle at this state of the case. The court overruled the objection, exception was taken, and Mr. Longenecker proceeded:

“If the Triangle directed a man to go and kill another man in England, it had to be done. The order was supreme. In 1884 they adopted a figure, which they called the Triangle, to designate the controlling board. The members did not dare know who the executive members of this board were. It was the closest

corporation that ever existed, and you can readily see why it was that they should carry out what they did without its coming to the surface. In 1884 they adopted that symbol, and they had then begun what they call their active work. They detailed men from different parts of the country belonging to the order to go and do special work. They were sent to England under assumed names. No one could know that Mr. Brown or Mr. Flannigan was detailed to go and do certain work except the person detailed. When a man was sent to England he was given an assumed name by this board, who pretended to have an agent in England, and he was ordered to report there for funds. He went there, and I say to you that somebody there made known who the man was and what he was detailed to do, and he was immediately arrested and thrown into prison. To-day the prison doors in England are locked against twenty or more men who were sent there by that board. This was done for the purpose of enabling them to steal the funds which had been accumulated for legitimate purposes, as they thought. They had to make an excuse for using the funds of this order, and that went on until at last they made their last report, which was intended to scare the order by stating that English detectives were among them, and it was decided that they should not have their annual convention, but instead it was recommended by those in favor of the Triangle that they should have sole control of the matter. A meeting was held by those who favored that Triangle, and they destroyed every vestige of work they had done; they destroyed their books, and then sent out a circular showing that the order was indebted to them \$13,000, notwithstanding when they took hold of it they had a fund of \$250,000 in the treasury. That created considerable dissension. Men would not stand that, and they drew out and started a new organization of their own. Camp after camp was started by those who were opposed to these three men, and who were opposed to the Triangle which had diverted the organization from its legitimate object and had sent men to prison, committed crime upon crime, and squandered and stolen the funds of the organization.

"I mention Dr. Cronin now because it is involved in this case that others began to organize camps of their own. They began and organized a number of other camps that were the same as the others, and these latter organizations grew and kept growing. But before that was done Dr. Cronin, in his camp, read his

circular from one of these camps protesting against the action of this board; and for that and nothing else Dr. Cronin was tried. Alexander Sullivan prosecuted, and he was expelled for treason. That was in 1885, in this city. Brown, of the South Side camp, made the charge. Daniel Coughlin, one of the defendants here, sat on the committee that branded Dr. Cronin as a traitor. Le Caron was on the committee, as we will show. This committee suspended Dr. Cronin for treason, and all that treason consisted of was the fact that he had read a circular protesting against the work of the Triangle that was robbing these men of their fund that was raised for the purpose of helping poor Ireland in her distress."

The Court (interrupting)—"I cannot regard that as proper comment in this case at this time, Mr. Longenecker. I cannot regard as legitimate anything about Dr. Cronin's motives."

The State's Attorney—"If the court will wait we will show where it comes in. Now, gentlemen, at that time Coughlin and certain other elements stood by the Triangle, and certain others stood by Dr. Cronin. New camps were organized, until finally, in 1880, in June, in this city, they held a joint convention that was called a union convention. Remember, in the meantime this Triangle had disappeared. They had got out. Alexander Sullivan had left the order. As to the others I do not know. When this union convention was called the members of the order were in favor of it. They met in this city, but at that convention charges were made against the ex-executive committee or board against the Triangle, charging them with these things that I tell you of. That was charged by Cronin and by Devoy. At that convention a committee of ten was appointed. By that committee the question as to what was to be done with these charges was considered. That committee reported that an investigation be made by a trial committee—that a committee be appointed to try Alexander Sullivan, Feeley and Boland. That committee was selected, three from one side, three from another,—that is, from two factions. Dr. Cronin was selected as one of the committeemen.

"This committee met in August of last year, and had the trial of these men in Buffalo, N. Y., at which place Alexander Sullivan and these two other men appeared and made their defense. There was an effort made to require the secretary to suppress the records, to destroy everything that was said and done,

to keep no record of the trial. There was also a protest there made by Alexander Sullivan that Dr. Cronin be not permitted to sit on the committee, but the other members of the committee decided that they had no right to set him aside. The committee was there in session for days and days hearing evidence. That evidence, as we have it, will be introduced here. Dr. Cronin took the evidence fully, and witnesses and facts were produced to show what they had done in the old country, what had been done across the water under the direction of this Triangle—all their active work was shown."

Mr. Longenecker then went into the quarrel between Cronin and Alexander Sullivan, already described in these pages, calling especial attention to the fact that the report of the investigating committee was not sent out to the camps until the 5th or 6th of May. He continued :

"Now remember and keep this together: That that report was not sent out till after Cronin's disappearance, and that it was on the presumption that he would never be found. And in order to fill up the Irishmen who belong to that organization with the belief that Alexander Sullivan was right in charging that Dr. Cronin had sworn allegiance to the English, that he was a spy and a traitor to the cause, they caused a report to be spread broadcast among these people that Cronin had fled. They had the word go out that Dr. Cronin had run away. They charged that Dr. Cronin was not killed, but that he merely disappeared of his own accord, and that he was another Le Caron.

"There were two objects in ruining Dr. Cronin's record as a citizen. It was done in order to build up this Triangle and make that again the power to move the workings of the order. That was another reason. Now, if it was only intended that Cronin should be considered guilty, they could have had him killed in the streets, but they never intended to have the community understand that Cronin was dead, and that is why I made the remark that the same unseen hand that had regulated this conspiracy and concocted it and taken away the life of Dr. Cronin had gone to work making this public believe that Dr. Cronin still lived, and that he would appear on the other side of the water a traitor to the cause in which he was enlisted. But you still ask, where is the motive for these men to do this? Here it comes in: For

Dr. Cronin to publish all of this evidence to the camps as he proposed to do was to ruin the Triangle with the Irish people and to convict these men of embezzling these funds that had been accumulating for years; convict them of being guilty of the violation of the law of this country and of England; prove them to be traitors to the Irish cause; prove them not only to be embezzlers, violators of the laws of two countries, but traitors to the cause in which these people had enlisted, instead of doing that which was to benefit poor old Ireland—to brand them the worst men on earth among the Irish people.

“Then they began to educate the rank and file. Coughlin went along the street saying that Cronin was a traitor and Le Caron a spy. Men would whisper, too, and state that Cronin would turn up on the other side. In Camp 20, on the night of February 8—to show you how far back this education began—they began to educate the rank and file that Cronin was another Le Caron; they led them to believe that this patriotic Irishman who was demanding an investigation of these men—a man who stood up and demanded the rights of those Irish people belonging to the order, who demanded a prosecution, who demanded that these men be exposed who were the real traitors to the cause—was a spy; that he was a Le Caron, and was waiting to go to England to testify as did Le Caron. That is the motive that existed with the Triangle. Then Coughlin, who sat on the committee which expelled Cronin as a traitor, and others who understood that Cronin was opposed to the Triangle, defended the Triangle and abused Cronin. So that the man began to educate others in the order that Dr. Cronin was in reality a traitor to the cause. The purpose was that these men should conspire to remove Dr. Cronin, believing that he was a spy.

“We propose to prove in this case that Daniel Coughlin, Patrick Cooney, Martin Burke and Patrick O’Sullivan all belonged to Camp 20, and that they met here on the North Side. We will prove that John F. Beggs was Senior Guardian of that camp. February 8, with Beggs in the chair as Senior Guardian, some member in the camp—Le Caron had been testifying in regard to the secret workings of the order for two days in London—”

Mr. Forrest—“Can you prove that?”

Mr. Longenecker—“Yes, sir; I can prove it by you. They had been charging that there were other spies and they said that

they wanted to get rid of these Le Carons. One man got up and said that the best thing that could be done before talking about spies in their camp was to get ready to investigate the Triangle; that the ex-executive board had robbed them of their funds and ought to be investigated first. Daniel Coughlin and several others jumped to their feet and wanted to know where he got the right to charge that. He stated that he had been in the camp and heard part of the report read in which it was shown that they had used the funds of the order. Daniel Coughlin moved that a secret committee be appointed to investigate the matter. It was seconded and carried. Their records will show that it was a committee of three. That motion was carried and entered of record, and we will present it to you here. It was that the Senior Guardian appoint a secret committee to investigate these charges made and read in another camp—Dr. Cronin's camp. February 16 the Senior Guardian wrote to the Senior District Officer, who is Mr. Spelman of Peoria, telling him to investigate this matter. The district officer February 17 wrote to John F. Beggs, Senior Guardian, that he could not investigate unless the charges were made directly to him. Mr. Beggs February 18 wrote back to him that the matter had to be investigated or there would be trouble.

"February 19 a man by the name of Simonds appears at the real estate office on Clark Street and rents the flat No. 117 Clark Street, stating there that he wanted it because he had a brother with weak eyes who wanted to stay there for treatment. He paid the rent—\$40. That was opposite the Opera House building, in which Dr. Cronin had his office. That same day the man assuming to be Simonds went to Revell & Co., and bought a bedstead, mattress, bedding, springs, bureau, wash-stand, carpet, pitcher and small lamp. He also bought a large packing-trunk. Then he got a trunk strap. He got the largest packing-trunk they had. The man that bought this furniture or that rented the flat we don't pretend to say is any one of these men on trial. This furniture was moved up there February 19. This follows the meeting of Camp 20, the demand on the district officer to investigate, his refusal to investigate, and Beggs saying it must be done. March 20 a man appears in Lake View at the Carlson cottage. That man is Martin Burke. We will prove that Martin Burke was in Beggs' office; that he was out of employment at that time; that he was doing nothing by which he could earn a dollar. He appears at No. 1872 Ashland Avenue.

They have a vacant house there. In the rear of the place live the old man and his wife. Martin Burke appeared there as Frank Williams and rented the cottage. Martin Burke went from there to P. O'Sullivan and had a conversation with him, in which he told him he had rented the cottage. He disappears. He moves this furniture from No. 117 Clark Street—trunk and all—out into this Carlson cottage. We will have the expressman here to show you that Martin Burke, together with another man, got him to move it out there and carry it into the cottage. We will prove that he came back there about April 20 and paid another month's rent. He said his sister was sick in the hospital and could not go to housekeeping.

"Something now had to be done to induce Dr. Cronin to go to that cottage. In March, some time prior to the spring election, Dr. Cronin was out there organizing what was known as the Washington Literary Society, and P. O'Sullivan went there and acted as doorkeeper. Now a few days after that, I think March 29, P. O'Sullivan went to Justice Mahoney and asked him if he would go with him and see Dr. Cronin, as he wanted to make a contract with him to doctor his icemen. He didn't find him. But about two weeks afterward, in April some time, Justice Mahoney went with this man, P. O'Sullivan, who knew Dr. Cronin, who acted as watchman at the literary society; yet P. O'Sullivan had this man go with him to introduce him, as he says, to Dr. Cronin for the purpose of making a contract with him to doctor his icemen. We will show that at the time he made this contract with Dr. Cronin, or previous to that, up to that time, he had never had an occasion for a doctor; that this man Coughlin on trial here was a bitter enemy of Dr. Cronin and that he was a close associate of this man O'Sullivan; so that there was no reason why O'Sullivan should go clear down there and employ Dr. Cronin—make a contract with him—to doctor his icemen.

"Daniel Coughlin was seen before that in a saloon late that night. He declared that there was a certain North Side man, a leading Catholic, that would soon bite the ground, or something to that effect. O'Sullivan was with him that night. May 4 this man Coughlin went over to Dinan's livery stable, told Mr. Dinan he had a friend who would be there for a horse and buggy. He said he was not particular about the horse—most any kind of a horse would do. He telephoned P. O'Sullivan to go out. He is seen out in the neighborhood with a man answering his description.

About 7 o'clock in the evening a man goes and wants the horse that Coughlin has ordered. When the liveryman hitched up a white horse the man objected, but the liveryman said that was the only one he could give him, and he took the horse and buggy and drove away. Later he drove to Dr. Cronin's office, presented O'Sullivan's card, and stated that one of O'Sullivan's men had his leg mashed and that the doctor was wanted right away. Dr. Cronin hurried out and with the man drove to the Carlson cottage. That was about 7:20. We will prove that Coughlin was seen going into the Carlson cottage. We will prove that this man drove Dr. Cronin to the Carlson cottage.

"The night of May 3 there was a meeting of Camp 20. We will prove that some one in the room inquired whether the secret committee had reported—inquired of John F. Beggs, the Senior Guardian. John F. Beggs waved his hand and said: 'That committee is to report to me; the camp has nothing to do with that.' That was the night before Dr. Cronin was murdered. This will be proved by competent evidence. We will prove that Coughlin told other parties that Cronin was a spy; that the year before he tried to hire a man to 'slug' Dr. Cronin. We show by this his feeling against Dr. Cronin.

"The night of the 4th we show that this trunk that was bought at Reveil's, taken to No. 117 Clark Street, and removed by Burke to the Carlson cottage, was filled with the body of Dr. Cronin and taken away, that it landed away up in Edgewater, that it was afterwards taken to the catch-basin, that the body was thrown into the catch-basin, and that then the trunk further on was thrown into the street. All these events happened the night of May 4.

"Martin Burke, under the name of Williams, appeared there in May after the murder, or had a man by the name of Patrick Cooney appear, and wanted to pay another month's rent, but the old lady would not take it. She said the rent was not due, and that the house was going to remain vacant; she didn't want to rent it to him. Following that, they sent a letter saying: 'We are sorry we had to give up the building—sorry we had to paint the floor,' etc. Then, for the first time since the cottage was rented to Burke, the Carlsons entered it. But, before that, we will show that Carlson asked P. O'Sullivan why these folks didn't move in. O'Sullivan says: 'Have not you got your rent?' He says: 'Yes.' 'Then, what's the matter?' said O'Sullivan; 'what's

the use to worry about it?' 'Do you know them?' was asked of O'Sullivan, and he replied: 'Yes, I know one of them.'

"Again, we prove that O'Sullivan was seen at a certain point the night of the 4th, showing that he was in the neighborhood and was not in his house at the time, and that he made other statements that he was in the house at the time, but was not.

"Beggs, after the disappearance of Cronin, in conversation with two men who said they thought Cronin was killed, said he knew better. He said: 'Cronin will turn up all right. You don't know what is going on.'

"Now as to Kunze. We will prove that he was seen in this flat at the time it was occupied by the parties, and was seen there at the window washing his feet. We will prove that Kunze, a short time before the murder, was seen in company with Dan Coughlin in the neighborhood of the cottage on Ashland Avenue; that he was drinking with Coughlin; that he slapped him on the shoulder and said: 'This is my friend;' that he went away with him; and the night of the murder Kunze drove Coughlin to the cottage. It will also be proved that he disappeared in April for the purpose of obtaining work, and that he obtained work on the South Side, under the name, I think, of Kaiser—in any event, it was under an assumed name. We will prove, also, that he and Coughlin were at Peoria together, and that is about the evidence we have against Kunze—that while at work on the South Side he stated to a man, in reference to Dr. Cronin, that he knew he was murdered, that his body would never be found, or something to that effect.

"Two days after Dr. Cronin was killed, Martin Burke appeared over at the tinner's establishment to have a box sealed up; and when the tinsmith undertook to raise the lid, Burke told him not to open the box; and then, in order to solder it, the tinsmith had to put a band around it. While this young man was doing that work he made some remark to Martin Burke about the mysterious disappearance of Dr. Cronin, and asked Burke what he thought about it. Burke said: 'Oh, he is a spy, and will turn up all right.'

"After the discovery of the body and its identification, Martin Burke disappeared. He traveled under an assumed name. He was arrested at Winnipeg and extradited. He had a ticket purchased to go across the water to Liverpool. So, that is the



Mr. Scanlan Bringing in the Records.



SCENES FROM THE GREAT TETAL.—I.

Some of the Audience.

evidence that will be introduced as to Martin Burke and his flight.

"When Dr. Cronin's body was found, it was found also that the head was cut in a dozen places from behind, and on the temple, showing that they had killed him by giving him blow after blow until his life was beaten out of him. That will be given in evidence, and described by the doctors, and their evidence will also show that the blows were dealt from behind.

"Now, a conspiracy is made up of certain acts by individuals, either together or separately, and every act that was done by either of those parties, that was necessary to be done to carry out the object of the conspiracy, binds each of the others who was in the conspiracy. For instance, if a conspiracy existed, then the act of Coughlin in hiring the horse, or the act of Burke in hiring the cottage, or the act of P. O'Sullivan in making the contract, or the act of Beggs or any other person that was engaged in the conspiracy, became the act of all of them. The renting of the cottage by Burke, under the name of Williams, was the same as if they had all gone there and rented that cottage. The act of Patrick O'Sullivan in going to that cottage at the time it was rented was the going there of all who were interested in the conspiracy. Another thing I wish to call your attention to, and that is, that an accessory is regarded the same in law as a principal. It doesn't matter, and it is not necessary, that every party should strike the fatal blow. It does not matter if one of the parties to that conspiracy was not within a thousand miles of the cottage. If it was a conspiracy, and they were accessories to the crime, they are equally guilty of the crime just as much as if they struck the fatal blow.

"Take the hiring of the horse and buggy, take the hiring of the flat at No. 117 Clark Street, take the buying of the furniture and of the trunk and the strap, take the renting of the cottage by Burke under the name of Williams, take the fact of the knowledge of that renting by O'Sullivan, and the further fact that the Carlsons were told that a sister was to go there and keep house; take the driving of the Doctor away from his home on the night of May 4th, under the supposition that he was going to minister to the wants of an injured man; take also the appointment of the secret committee, and the motion made by Daniel Coughlin to have that committee appointed; take the further fact that the Senior Guardian said, 'That committee reports to me and

not to the camp,' on the night of May 3. The coming together of all these things shows the conspiracy, and the act of one man in this case is the act of all of them.

"If you are not satisfied that Dr. Cronin was murdered—if you are not satisfied that these men, whether present at the killing of the Doctor or present at the conspiracy, were connected with it—if you are not satisfied they are guilty of the charge, then, of course, you will turn them loose. If, however, this evidence shows conclusively to your mind this deep-laid conspiracy—if it shows this premeditation—if it shows the coolness with which they planned the murder—if it proves to your mind beyond a reasonable doubt that they are guilty, then your duty is plain to inflict on them the highest punishment known to the law."

The long speech was finished, and the crowded court-room turned with almost breathless interest to the attorneys for the defense. One after another arose and stated that the presentation for the prisoners would be reserved, and, accordingly, the first witness for the State was called to the stand. This was ex-Capt. Francis Villiers, of Lake View, who had met the patrol wagon on its way to the morgue with Dr. Cronin's nude body in it. He had identified the corpse, as he knew the Doctor well. Joseph C. O'Keefe, a tailor, had identified the body also. He had always made Cronin's clothes. A curious episode in his evidence was this :

"Did you examine the body for peculiarities with which you were acquainted?" asked Mr. Ingham.

"I took the inside measure of the leg and found it thirty-three inches."

"Had you taken the measurement of his leg during life?"

"No, but I know what his measurement was. I marked it down in the book for my cutter."

"What was that measurement?"

"It was thirty-three and a half inches, and the measurement of the leg right below the ankle was thirty-three. The measurement taken by the cutter was while the Doctor had his shoes on."

"Why did you measure his leg?" inquired Mr. Forrest during the subsequent cross-examination.

"It was through the curiosity of the reporters," answered the witness; "they asked me if I knew the Doctor's measurement."

"To what point was the measurement thirty-three inches?"

"To below the ankle, right to the ball of the heel."

"Was the leg swollen?"

"It seemed to be."

"Would not that increase the length?"

"It didn't seem to be swollen in the ball of the heel."

James P. Holland, a *Tribune* reporter, had also identified the body, which was that of his family physician, and described its condition, but the real interest of the audience centered in the story of the man who found the body.

"Call Henry Roesch," said Mr. Ingham, and Roesch came forward. He is an employe of the city, in the special assessment department. In May last he was employed by the city of Lake View in the same capacity.

"Do you remember what you were doing on the 22d day of May in the afternoon?"

"Yes; we were grading the street on Evanston Avenue and cleaning out the ditch there and the catch-basin. We got through about a quarter past four. When I was cleaning the basin there I smelt something. I thought it was a dog at first, and I examined the basin."

"What did you see at first?"

"I saw some cotton batting, and I thought it was the hair of the dog floating in the water. I took the lid off the catch-basin and then I saw it was a man, and then I called the patrol wagon. The body was lying to the southwest, and the feet to the northeast. There was an inlet in the pipe. I could see his shoulder, but the rest of him I could not see at all. The head was bent down back against the catch-basin."

"You could not see anything at all except the shoulders up against the brick wall?"

"The head was bent down against the basin, and his knees were down and his feet doubled in this shape." (The witness described the position in which he found the Doctor's feet.)

"You say you notified the officers?"

"I notified Capt. Wing."

"Who came with the patrol wagon?"

"Officer Phillips and George Maley. There was a reporter in the wagon."

"You saw the body and identified it?"

"Yes; it was on a plank. I helped to pull it out myself and put it on stretchers."

"Where did you see it next?"

"At the morgue, on the corner of Sheffield and Diversey Avenue. It had a towel around the neck and was bloody around the neck."

"Any other garment that you saw about the body?"

"I did not. I saw a charm. It was tied around his neck."

"Did you go with the patrol wagon to the morgue?"

"No, sir."

"Did you see the Doctor in the patrol wagon?"

"No."

"What else did you find in the catch-basin besides the body?"

"I did not see anything else."

"The cotton?"

"I saw the cotton batting."

"How much cotton was there?"

"Well, I judge there was a basketful all over the body. It was full of blood."

"The whole quantity saturated with blood?"

"No, not all, but a great portion of it."

"What was done with the cotton?"

"It was left right in the catch-basin."

Stephen Connolly, who had been a member of secret societies with the Doctor, and W. H. Wisch, a barber who had shaved Dr. Cronin nearly every day for several months, also testified to the identity of the body. Wisch knew it by a scar on the side of the head, by the color and cut of the hair, and by the general features.

Maurice Morris, who had been intimately acquainted with Dr. Cronin for five years, testified that he identified the body by a deformed finger on the right hand, usually known as a "base-ball finger."

Joseph O'Byrne, a brass finisher, who had known Dr. Cronin six years, saw the body at the Lake View station the next day after it was found, and identified it by the general appearance, the small imperial, the deformed finger on the right hand, and various minor points. No special features were elicited in the cross-examination.

There is no need at this time to go into the mass of testimony by which the identity of the dead man was established.

The most interesting testimony presented by the State in its effort to prove the identity of the corpse taken from the catch-basin was given by Dentist E. W. Lewis. His evidence clinched the identification, if such a thing were needed. Dr. Lewis had treated Dr. Cronin's teeth, and had made a peculiar and experimental plate, with four small teeth for the four lower central incisors which had been drawn. The extraction of these teeth had left an unnatural or uneven absorption, which Dr. Lewis noticed when he made the plate. It was the habit of Dr. Cronin when in deep thought to remove the old plate he used and twirl it between his fingers. That was why Dr. Lewis made an experimental plate that could not be easily removed. He was desirous of breaking Dr. Cronin of his habit. Dr. Lewis had also prepared the right back bicuspid for crowning, and filled the lower second molar with red rubber filling. When the body of Dr.



SCENES FROM THE GREAT TRIAL.—II.

The Stenographers and the Jury during the Taking of Expert Testimony.

Cronin lay in the morgue of the Lake View Police Station Assistant County Physician Egbert, who was conducting the autopsy, removed a peculiar plate of false teeth from the mouth of the corpse. When Dr. Lewis beheld it he immediately pronounced it the identical plate he had made for Dr. Cronin. Then Dr. Lewis went to the undertaker's rooms on Chicago Avenue, where the body had been taken after the autopsy. It was eight o'clock at night when he reached the corpse. With a flood of gaslight streaming down upon the body, he compared the plaster of paris cast of the peculiar plate with the formation of the jaw. One look satisfied him that the plate had been made for it.

"What else did you see in the mouth of the corpse?" asked Mr. Mills, with great impressiveness.

"The rest of my work," was the sensational reply of the witness. "I saw the bicuspid I had prepared for crowning, and the molar with its filling of red rubber. I also noticed the absorption of the lower jaw, which was so noticeable in life."

The average reader does not care for technical medical testimony, hence it will be enough to outline in a general fashion what the experts swore.

Dr. Egbert was the first witness. As he walked to the witness chair he carried with him the stomach of Dr. Cronin and the vegetable matter which was found in it at the autopsy. The stomach was in a jar of alcohol. Its contents at the time of the autopsy were in a piece of red, flimsy paper. Dr. Egbert proved a very unsatisfactory witness to the State. He had but a vague recollection of many essential incidents of the autopsy, and was painfully embarrassed. In reply to questions from the prosecution he testified that, in his opinion, death had resulted from the many wounds on the head. The cross-examination was conducted by Judge Wing. It was exhaustive and helpful to the defense. The skull had not been fractured, and the neck was not dislocated. It was evident that the Doctor had died three hours after eating, as some corn which was found in the stomach had not been di-

gested. There were no external manifestations of decomposition, although the body was badly swollen. Judge Wing discussed each wound, and drew from the witness the admission that not one of the cuts was necessarily fatal, inasmuch as they had not, according to Dr. Egbert's investigation, severed a single artery or fractured the skull. Death might have resulted from concussion or contusion of the brain, but the autopsy failed to reveal this to be a fact, as the brain matter was destroyed by disintegration. The Doctor might have bled to death if the flow of blood was not stopped, and Dr. Egbert, in the course of his rambling testimony, left it to be inferred that that was the opinion he held. The witness was satisfied that the Doctor had not died of natural causes, as all of the vital organs were found to be in a healthy condition. The witness also admitted that all the wounds could be inflicted without producing unconsciousness or concussion. He was of the opinion, however, that the wound near the base of the brain would render a man insensible. He could not determine from the appearance of the wounds whether they were produced before or after death.

The advantage gained by the defense from the testimony of the Assistant County Physician was greatly weakened by Dr. Charles F. Perkins, who wielded the knife over the body at the *post-mortem*. He declared without hesitation that, to his mind, Dr. Cronin had died of concussion of the brain, produced by blows on the head from a blunt instrument. A sharp weapon, without a stroke, could not produce concussion. One proof that the Doctor had died from concussion was destroyed by disintegration, as a microscopical examination of the brain was sometimes necessary to determine the existence of concussion. In this case such an examination was impossible, owing to the liquid condition of the brain. But there was another proof left to the surgeons, and that was to be found in the condition of the heart. Eminent authorities had declared that in cases of concussion the right side of the heart was invariably filled with blood, while the left side

was drained of the fluid. This was the case of Dr. Cronin, and the discovery of this fact convinced the witness that the man had died from concussion. Dr. Perkins also declared that the incision on the jaw had severed the facial artery, and that one of the wounds on the back of the head had cut the occipital artery. The hemorrhage from these wounds must have been great, and would no doubt have produced death, had not the injury the brain sustained proved fatal. There might have been contusion and compression of the brain as well as concussion, but this could not be determined at the autopsy, owing to the ravages of decomposition.

The manner in which the time of death was determined, the "vegetable clock" about which so much was said during the inquest, may be understood by the following excerpt from the *verbatim* report of the evidence:

Mr. Hynes—"Have you the contents of the stomach with you?"

Dr. Egbert—"Yes, sir."

At this time the witness undid a package and took therefrom a jar which appeared to contain the stomach, and also undid a small cloth which contained specimens taken from the stomach after death. Counsel for both sides crowded around to inspect the specimens.

Mr. Hynes—"State what articles of food you found in the stomach."

"I cannot identify anything but corn, although there were other vegetables."

"Now what was the degree of digestion?"

"I could not see that the process of digestion had taken place at all."

"In your opinion as a medical man, within what time after eating that meal did the death take place?"

"I should say inside of three hours."

Following this there was little to excite public attention until

the next day, when Judge McConnell came very nearly ruling out Dr. Moore's testimony because he had read the newspaper accounts of the evidence given by the other experts. After a rather exciting debate, in which everybody took part, Judge McConnell allowed the witness' story to go in. It had reference merely to the facts of the autopsy, at which the witness had attended.

This, however, was merely an incident by the way. The most important evidence of the day was that given by the livery stable keeper, Patrick Dinan, the owner of the celebrated white horse which it was believed had carried Dr. Cronin to his death.

In reply to Mr. Mills' questions he said that he lived at 260 North Clark Street, and kept a livery stable at the same number, his family occupying the rooms above. He had known Dan Coughlin for probably five or six years. The stable is about one-half block from the East Chicago Avenue Police Station. May 4 (the day of Dr. Cronin's disappearance) Mr. Dinan said he received a call from Daniel Coughlin, who wanted a horse and buggy for a friend that same evening.

"What did you say?"

"I studied for a minute. It was a pretty busy day, and I said: 'What kind of a rig would you like to get?' He made the remark: 'Most any kind of a rig will do.' I said, 'All right, you shall have one.' I asked him what time his friend would be after it, and he said, 'About seven o'clock.'

"Were you at your stable at about seven o'clock on the evening of that day?"

"Yes, sir."

Mr. Mills — "Proceed now, Mr. Dinan, and state exactly what occurred when Coughlin's friend came for the rig."

"I met him coming out of my horse stable. I met him between the horse stable and carriage house. He first went to the men and said that he wanted the horse that Coughlin had ordered for him. They said that they knew nothing about it; to go and see me. He asked me if Coughlin had ordered a horse that

afternoon for him. I replied, 'Yes.' He said, 'I want it.' I said, 'Allright, I will get him for you in a few minutes.' I ordered the horse harnessed, and called for the white horse. My man went in, and, instead of putting it on the single horse, he put it on the carriage white horse and brought him out. I sent him back for the other white horse. In the meantime another of my patrons had a sorrel horse hitched up to go out with. The stranger asked for that horse, and I refused to let him have it. I made the man take the horse that was hitched up for him—the white horse. As we were putting the horse up, he said: 'Where are the side curtains?' I said, 'I do not know.' I said, 'The top is up and it is pretty dark, and nobody will see you or know you if you want to be disguised?' "

"What did he say?"

"He did not like it. He grumbled and muttered a little, but I could not distinguish his words. He made some remark, but I could not tell what it was."

"What do you say as to the weather that night?"

"The weather was clear."

"What kind of a buggy was it?"

"It was what is called a 'Whitechapel buggy'—a three-quarter seat buggy."

"Describe the horse—his limbs, his nose, and how he stood."

"Well, he stood pretty square, and was a little bit large in the joints, but no marks, or any swellings, or anything that was unnatural; he was a horse with little flesh on his limbs; he was one of those bony fellows, rather clean limbs, but a little large in the knees."

"Describe the man who drove your horse away that night."

"Oh, the man looked ordinarily dressed; he had either a heavy light-colored drab coat or a faded old overcoat; he wore one of those round, narrow-brimmed soft hats, and dressed ordinarily."

"Describe his face as well as you can to the jury."



SCENES FROM THE GREAT TRIAL.—III.

1. Examining a Section of the Flooring from the Cottage.

2. The Bloody Trunk.

[333]

"I saw a little scratch on the side of his face, and he had about a week or eight days' growth of beard and a medium mustache, a little bit sandy, a little bit faded on top, but dark at the bottom. His boots were muddy and wet."

As to the manner in which Dinan's suspicions were brought to the notice of the police, the witness said: "I went over to the station-house and inquired for Capt. Schaack. Coughlin was standing near the desk. He came over to me and said, 'What is the matter, Pat?' I replied: 'Nothing.' He said: 'There is something up, for you appear excited.' I said: 'There is something up, I think, when the police come and wake me up and want to know what horse I let out Saturday night. There is something wrong somewhere.' He then asked me what horse I let his friend have. I told him it was a white horse. He told me not to say a word about it if any inquiries were made, for he and Cronin had not been good friends for a year or a year and a half, and it might give him some trouble. He said to keep it quiet, otherwise it might get him into trouble. I do not know whether he used the words, 'For God's sake.'"

"What did you say in reply?"

"I did not make any reply that I recollect, but I went out into the court-room to see if I could find Capt. Schaack, but I did not find him, and, before I did, I was called away. About noon I called and looked for the Captain again, and, finally, went to his house, where I found him."

"When did you converse with Coughlin, if at all?"

"I do not recollect having any conversation with him, except that he told me that he had met his friend who had had the white horse and buggy. I asked him where he had found him. He said: 'I found him at last in the Northwestern depot, and, when I found him, he was just getting on the train and going to New Mexico.' He further said: 'He paid me three dollars for the use of the horse, but my feet were so sore looking for him

that I spent it all; but I will make it all right, and will pay you when pay day comes.' I told him that was all right."

Mr. Forrest took up the cross-examination, and asked:

"Did you finally find Capt. Schaack, May 6?"

"Yes. I told him about Dan Coughlin hiring the horse, and something about the stranger."

"Do you remember talking with him about this transaction more than once?"

"I spoke to him at different times to stir the matter up. There were a great many talking about this white horse."

"Where is that white horse, and where has it been kept since?"

"He has been kept in my stable the biggest part of the time. There were three weeks he was in the museum."

"Do you remember that I called on you once and you told me that you had orders not to let him go out?"

"I told you that to get rid of you. I tried hard to get rid of you, but you would not go, and, in order to get rid of you at last, I told you that."

"Did you have orders at that time not to let that horse go out?"

"No, sir, no one gave me any orders of the kind."

"Did you not tell me at that time that you were paid to keep him in the stable?"

"Yes, I told you that, too, to get rid of you."

"Was that true?"

"No, sir, it was not true; I told you that to get rid of you, because I could not get rid of you in any other way."

"Now, then, when was it, as you say, that Dan Coughlin used the word 'weakener'?"

"It was after this horse was identified."

"How was it that Daniel Coughlin used the word 'weakener'? State the entire conversation."

"I met him one day, and he said: 'Now, Dinan, you are

satisfied,' and I said, 'Yes, and I am mighty glad of it that I am satisfied.' And he said: 'I should hate to trust you with anything; you are a clear case of a 'weakener.' And I said: 'You lay anything in my way and I am a "weakener;" I will bellow like a bay steer,' or something of that kind."

After an interval of less interesting testimony Mrs. T. T. Conklin was introduced, and once more every ear in the courtroom was bent to hear every syllable of the evidence she was prepared to give.

After describing the coming of the man with the buggy and the white horse she went on: "I saw him at the outer door leading into the south room. He asked if Dr. Cronin was in and I said 'He is here.' 'Can I see him?' 'Yes,' I said, 'walk in.' He hesitated, without replying. I said, 'You must come in if you wish to see the Doctor, because he is engaged.'"

"He sat on the edge of the chair in a rather uncomfortable position. I rapped on the door which connected with Dr. Cronin's room and said: 'Doctor, you are wanted.'"

"Had he said anything to you before that?"

"Coming into the hall he said: 'I cannot wait here; I am in a hurry.' I said: 'Just walk in,' and then he stepped into the office. When I said: 'Doctor, you are wanted quickly,' the Doctor answered: 'In a moment,' and with that he threw open the doors and came out to meet this man. The man advanced toward Dr. Cronin. He said: 'Dr. Cronin, you are wanted to attend a man; he has been hurt at O'Sullivan's ice-house.' The Doctor made some remark which I did not hear, and at that moment that man drew a card from his pocket on the right side of his coat and presented it to Dr. Cronin.

"He handed a card like this," witness proceeded, holding one of O'Sullivan's cards in her hand, "and Dr. Cronin took the card and asked what was the nature of the accident. He said: 'A man has been run over by a wagon,' drawing his hand across in this way [the witness showed how the man drew his hand

across his body]. The Doctor said: 'I will be with you soon,' or something to that effect, and the man sat down again on the edge of the chair. The Doctor laid the card on the edge of the mantelpiece."

"What was said about Mr. O'Sullivan, if anything?"

"The man said: 'Mr. O'Sullivan is out of town and left word that you should attend to his men.' He said that in drawing this card from his pocket."

"Is that all that you remember?"

"The man also said: 'I have a horse and buggy here for you.'"

"Is that all you remember that was said to the Doctor?"

"That is all that I remember. He said something else to the man, but I did not catch it. I heard distinctly, though, every word that I have repeated. The Doctor sat down to the table and wrote a prescription for this young lady and gave it to her just as rapidly as he could do anything, and then he ran to his private room and gathered together some bandages and cotton batting in his arms and brought them out, and also his surgical case and a case of heavy splints, and, drawing on his coat as quickly as possible, he ran out, carrying those things in his arms."

"Who went ahead down stairs—do you remember?"

"The man; and the Doctor followed. I, in the meantime, had gone into the bay window and looked out at this horse and buggy."

The witness exhibited to the jury by reference to a diagram the position in which she stood looking out of the south window of the north side front room. She proceeded to testify that the horse was facing north, so that she could see him distinctly. The night was clear and the electric lights were burning. The man got into the buggy first, followed by Dr. Cronin.

"How did they sit in the buggy?"

"The man sat on Dr. Cronin's left, facing north. He

seemed to feel that that was not right, and got up and moved across in front of Dr. Cronin, and sat on the Doctor's right, facing north."

"Did you see any one near the buggy at that time other than the Doctor and this strange man?"

"I did. Mr. Frank Scanlan stepped up to the buggy and spoke to Dr. Cronin. It was impossible for me to hear what they said, but I saw them. I saw Dr. Cronin draw something from his pocket, it was a bunch of keys, and he passed them through the side of the buggy, through the uprights that hold the top of the buggy up. He almost threw them to Mr. Scanlan, and Mr. Scanlan caught them in his hand."

"Did you see them drive away?"

"I did."

"In what direction?"

"Driving north. The man took up the reins quickly and seemed anxious to get away. The horse started two or three times quickly, and he drew them back."

"Will you describe the horse and buggy to the jury?"

"I will to the best of my ability. It was an old buggy, but very clean, without side curtains; it was very small; they were very much crowded in the buggy; very narrow it seemed to be, and the horse was peculiarly white, creamy white. It was a medium-sized horse, with very small limbs, small hoofs and feet and very large knee joints, and the bones were very large and prominent. It had a very peculiar motion which I will never forget."

"Describe it."

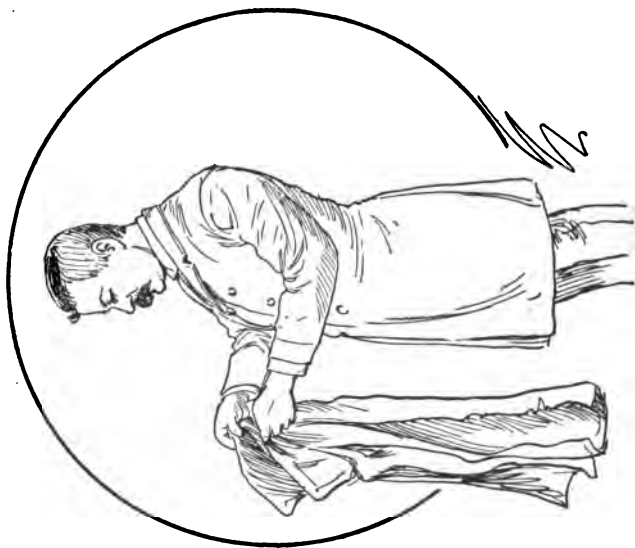
"It seemed to be from the knees down, something like that."

Mrs. Conklin described the manner in which the horse acted, giving it a swaying motion.

"Now, Mrs. Conklin, will you describe the man that got into the buggy and drove him off north on Clark Street."



Chief Hubbard Reading Cronin's Card.



Cap^t. Schuettler Exhibiting Cronin's Clothes.

SCENES FROM THE GREAT TRIAL.—IV.

[339]

"He was about 5 feet 7 as near as I could judge. He was a medium-sized man, with a small mustache, a dirty-looking face and straight hair. He had a slouch hat with a very low crown, and very faded-looking clothes. He had on an overcoat which looked too large for him and very much faded. He looked rusty and dirty-looking. His coat was buttoned at the neck, but the collar was not turned up at all. The rim of his hat appeared to be very soft—that is, bent and broken—and it fell down at the back. It was a hat that could be crushed up. It was not a small hat, but had a very low crown."

"You speak of his face being dirty?"

"It was not clean-shaven. He had a small mustache; it was dark, not black. It was a long growth of beard, a stubbly and unshaven face."

"How about his build, as to whether he was heavy or light?"

"He was not a heavy man. He was well put together—I should say wiry and quick in his movements. His eyes were very peculiar—very wicked. He had a most villainous countenance. I will say right here, when he looked at you——"

"I object to that," said Mr. Forrest.

"His eyes said, 'Don't look at me again.'"

"I object to that," said Mr. Forrest.

"That may be stricken out," said the court. "Both as to the villainous look and the other; the two last stanzas may be stricken out."

Her interview with O'Sullivan on May 5 was next described, and the two visits made to her house by Capt. Schaack and Mr. Beck with the white horse. Upon the latter occasion she fully identified the horse.

Charles W. Beck, a reporter for the *Times*, testified to bringing Dinan's white horse out to the Carlson flat and getting a complete identification of it. Sarah S. McNearney, Agnes McNearney and Dr. Cronin's brother, John J. Cronin, gave their evidence,

which was followed by the testimony of Frank Scanlan, who had met Dr. Cronin on the pavement just as he was getting into the buggy in which he was driven to his death.

"This," he said, "was about half past seven in the evening. I saw him leaving the entrance of the building to go into the buggy at the edge of the sidewalk. The man who drove came down-stairs with him. The driver was first. I did not speak to the Doctor until he was just getting into the buggy. The man who drove the horse got in the buggy first. As the Doctor got in the man had the lines and appeared to be ready to drive away. I said: 'Hello, Doctor, where are you going?' He said: 'I am going to attend to an accident at an ice-house out north.' I says: 'You know there is a meeting of the *Celto-American* in your office to-night.' Just as I said that the man asked him to change seats. At this time the man was on the left side, facing north. What he said I did not understand, but the Doctor listened and nodded, so much as to say, 'Yes.' And the man got up with his knees close to the dash-board, and moving to the right; the Doctor slid over, moving to the left. When he got on that side, he said: 'It is fortunate you came now, you can take the keys.' He reached his hands in his pockets to get out the keys, and they were cramped for room in the buggy, and he got his hand in the wrong pocket. Then he turned and got his hand into the other pocket and got the keys out on a ring. When I saw the number of keys I asked him which one would unlock the door. He got the keys up on the ring that way (indicating) to get the key that would unlock the door. I went to reach for it, and the man started the horse the least bit.

"The Doctor was looking through the bars of the buggy when the man started the horse up, and I caught the keys through the side of the buggy. I then said to him: 'When will you be back?' I intended to tell them down at the meeting he would be there. He replied: 'God knows; I do not know how long

this thing will take.' The man started again, and Dr. Cronin said: 'You will find some papers down there for the men to sign.' I followed him up three or four steps because I thought he said 'for the stockholders to sign,' so I followed him up three or four steps further to get a still further talk. The man started the horse, however, and I could not hear nor quite catch what he meant, except that there were some papers for certain parties to sign."

Witness then described the appearance of the man. He wore a dark brown overcoat, a black soft felt hat with a small crown and a small rim. He had dark, fierce-looking eyes, a dark mustache, and regular features. He apparently had not been shaved for a week. He also described the horse and buggy.

"How was the buggy as to width?"

"I noticed the seat was very narrow. They seemed to be cramped in the seat; they could hardly move around."

"Did you ever see that horse and buggy after that day?"

"I saw it in front of Byrne & Carroll's undertaking rooms on East Chicago Avenue."

After a few more details had been given as to the driving away of Dr. Cronin, the witness was turned over to Mr. Forrest. The latter first tried to find out just where Mr. Scanlan stood when the Doctor came down, and then went into the subject of the Coroner's inquest and the famous white horse. He wanted to know what the witness had testified to at the inquest, but the witness couldn't remember his exact words and said so. Mr. Forrest then went over the entire scene on the sidewalk as Dr. Cronin was driven away and had all the previous evidence repeated.

"To the Coroner's jury you said the man was about your build, did you not?"

"I said he was about my build, but not so heavy."

"Did you say 'not so heavy'?"

"I don't know whether I did or not."

On redirect by Mr. Longenecker, Mr. Scanlan said that he thought the man driving was the foreman of the ice barns or something of that sort, because the horse was just such a one as was generally used for such a purpose.

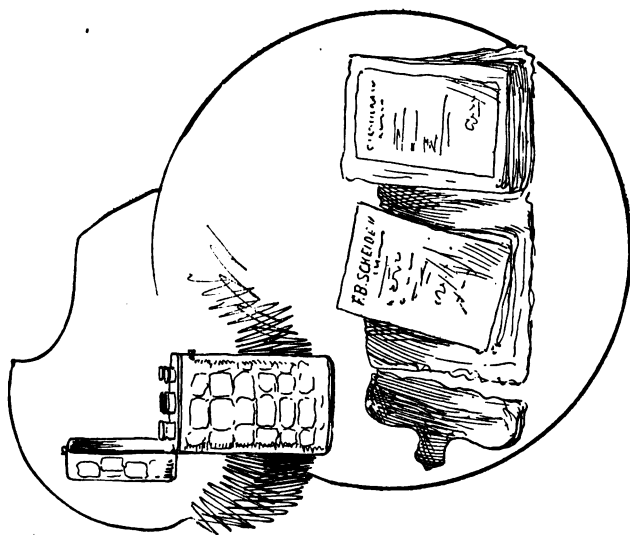


CHAPTER V.

The State's Full Case—The Trial Committee Not Proven—The Chances for Beggs—Coughlin, Burke and O'Sullivan About the Carlson Cottage—A Fatal Drink—The Case Against Kunze—Unfortunate Cleanliness—Mertes, the Milkman—Details of Cronin's Last Night—The Theory of the Murder—The Doctor's Clothes Found at Last—Sensational Scene in Court—Mrs. Hoertel on the Stand—Her Startling Evidence—Clancey and O'Sullivan—The Experts on the Relics—The Volume of Proof—Dangerous Revelations.

IT would entirely exceed the limits of this volume to pretend to go into the great mass of evidence presented by the State and arranged in a damning coil about the prisoners.

Beginning with the testimony of the men who found the body, and ending with that of Mrs. Hoertel, the State placed before the jury a graphic story of the crime. The only thing missing was convincing proof of the conspiracy in Camp 20. While the attorneys have shown by nearly a score of witnesses that a secret committee was ordered to investigate Dr. Cronin, yet they have been unable to prove that such a committee was appointed or that it ever acted. Dennis O'Connor was one of the best witnesses the State had, though his sympathies were arrayed against the State. It was also shown against Beggs by the testimony of Maurice Morris and Joe O'Byrne that he stated three days after the murder that Dr. Cronin would turn up all right, and when his prediction was doubted, he declared that he knew what he was talking about, because he belonged to the inner circle. Stephen Colleran, a big, lumbering sewer laborer and a member of Camp 20, told of a visit he and Burke paid Beggs in the ex-Senior Guardian's law office in April, when, according to the theory of the State, the final preparations for the murder were being carried forward. The lawyers for the State argued from all this that



DR. CRONIN'S CLOTHING, &C., AS SHOWN TO THE JURY.

Beggs had a guilty knowledge of the crime, and that he ought to be punished. They admitted even then, however, that the grounds on which their arguments were based were a trifle weak. The Senior Guardian owes his good luck to his attorney. Harry O'Connor and Tom O'Connor were important links in the chain. The former told of the discussion about the circular that was read in Dr. Cronin's camp, and the latter told of the appointment of a secret committee to try the Doctor.

Dan Coughlin, Martin Burke, Pat O'Sullivan, and even little Kunze were certainly left in a bad way by the State's case. One of the most significant points that had been brought out, and which has seemingly attracted very little attention, involved both Burke and Coughlin. The latter, in an interview with Chief Hubbard, after it was known that he had hired Dinan's white horse, described the man for whom he had hired it as Thomas Smith, of Hancock, Mich. He told Hubbard that Smith came to him with a note from his (Coughlin's) brother. He also said that Smith brought him a message from John F. Ryan, a merchant of Hancock. Ryan had instructed the mysterious Smith to call around and see Coughlin as soon as he reached Chicago. Martin Burke was also a friend of Ryan, and it was to him he fled for protection when Chicago became too hot a place to remain in. This much Burke confessed in his original interview with Chief McRae and Sergeant McKinnon, of the Winnipeg police force. He not only admitted that he lived with Ryan for some time, but that he had communicated with him within an hour after he reached Winnipeg.

It was to show the common friendships existing between Coughlin and Burke that Sergeant McKinnon was brought all the way from Winnipeg, also the fact that Burke was sent out of the country by Dan Coughlin's intimate friends.

The history of the crime, as revealed by the prosecution, was really begun when Mrs. T. T. Conklin was placed upon the stand to describe the departure of Dr. Cronin in company with Cough-

lin's friend, who pretended to be a messenger from P. O'Sullivan, the iceman. O'Sullivan had previously made a contract with the Doctor, to whom he had been introduced by a Lake View justice named Mahoney. His contract was ostensibly in behalf of his employes and persons whom they might injure in the course of their business. It was shown that O'Sullivan's whole force numbered but three men, and that his business was not half as dangerous as many others who never dreamed of engaging the services of a physician. When Sullivan completed his arrangements with the Doctor he gave him a bundle of his business cards, and told him that in case he ever needed him he would send a messenger whose honesty would be guaranteed by presenting duplicate cards. Three days after the contract O'Sullivan, as shown by the evidence of the editor of the *Lake View Record*, had a new set of cards printed for the "Sullivan Ice Company." The card he gave Dr. Cronin bore the firm name of P. O'Sullivan & Co. The new cards were delivered on the evening of Thursday, May 2, and forty-eight hours later, before it was possible for them to be in general circulation, one of them was handed to Dr. Cronin in his office by a young man who said he came from O'Sullivan's ice house. The young man was Coughlin's friend from Hancock, for whom he had hired Pat Dinan's old white horse on the morning of Saturday, May 4. Dinan's description of the man tallies so closely with that given by Mrs. Conklin and the McNearney sisters that there can be no doubt about his identity. Dinan stated that the stranger left his barn at five minutes after seven o'clock. Mrs. Conklin says he arrived at the Doctor's office, half a mile away, just ten minutes later. On the following Monday morning Dinan went to the Chicago Avenue Station to tell Captain Schaack about his horse having been hired, and there he met Dan Coughlin, who begged him to say nothing about the incident on the ground that he had not been friendly with Cronin, and that his action might be misinterpreted. Subsequently, when Mrs. Conklin came to identify the horse and buggy for Captain Schaack, Coughlin told

Dinan that he would be a h—l of a man to let into a secret, because he laid down too quick.

Then followed the evidence relating to the discovery of the body in the Evanston Avenue sewer, the Carlson cottage and all the other sensational incidents pertaining to the murder. It was shown by Lake View policemen that the body was carried in the trunk that was found on Evanston Avenue on the morning of May 5, clear from the cottage to Fullerton Avenue, thence to Clark Street, and from there north to the big sewer at the corner of Fifty-ninth Place and Evanston Avenue. To get at the body so as to throw it into the sewer, it was necessary to kick off the lid of the trunk, because before the conspirators left the cottage they had locked the trunk, and had unwittingly dropped the key under the washstand. Here it was subsequently found by Officer Lorch. The murderers had undoubtedly used the very cotton batting in the trunk that Dr. Cronin took from home to use in his treatment of O'Sullivan's supposed injured employe. After the cottage was found, the sensational stories of the Carlsons were obtained. They described how Martin Burke, whose identity at that time was not known except as Frank Williams, rented the cottage on March 20. Burke told old Mr. Carlson that he intended to enter the employ of P. O'Sullivan, and that his sister, who was then in Baltimore, would keep house for him and his brother.

Old man Carlson in his testimony said that he became suspicious of Burke and his alleged brother, who was no other than Pat Cooney, because they made no headway toward entering upon housekeeping and because they acted very queerly. Old Carlson had frequently seen Burke call upon O'Sullivan, and the day he rented the cottage he followed him as far as the iceman's barn, and heard him tell O'Sullivan that everything was all right. In April the old man went to O'Sullivan and asked him if he knew whether Burke could be trusted. O'Sullivan said he could. The Carlsons, all of whom identified Burke, graphically described the

cottage as it appeared when they went in there on the morning of May 19. They told how they found blood-stains on the walls, on the furniture, a mass of fresh paint on the parlor floor and footprints in the hallway. They also produced a letter purporting to come from Frank Williams, stating that the cottage would be needed no longer, and that they could take possession of it at any time. The letter also said the key had been lost, and that the Carlsons would have to get into the cottage through one of the front windows. It was the window from the blind of which a slat had been cut by the murderers. It was also proved that the furniture, the trunk and a carpet had been purchased early in February from A. H. Revell & Co. by a man who gave his name as J. B. Simonds. Revell & Co. delivered them to the top flat at 117 Clark Street, which Simonds had rented from Knight & Marshall. Salesman Hatfield, of Revell's, swore positively as to the identity of the furniture he saw at the Carlson cottage, and also described a big, heavy strap which he procured for Simonds outside of his own establishment.

Hakon Mortensen, the expressman, furnished the next link.

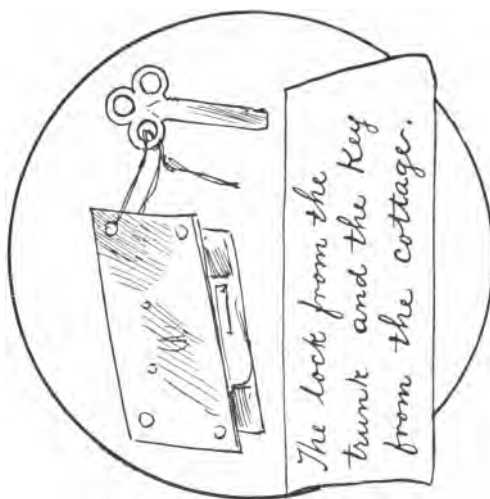
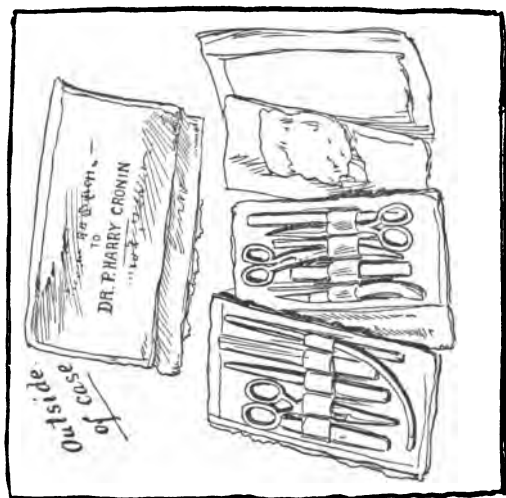
While he was standing at the corner of Market Street and Chicago Avenue, Burke approached him and asked him to go to 117 Clark Street and haul from there a load of furniture to the Carlson cottage. Mortensen remembered every article he hauled, and described them on the stand accurately. It was he who subsequently identified Martin Burke's photograph, and it was chiefly his testimony in Winnipeg that persuaded the Canadian authorities to deliver the prisoner to Chief Hubbard.

Then there was the testimony of young James, who saw John Kunze in the flat at 117 Clark Street, one day in February, washing his feet. Following this came the testimony of two of Kunze's fellow-boarders—who knew him under the name of John Kaiser—to whom he frequently spoke about the Cronin case, and to whom he confessed that he was liable at any time to be arrested. To one of these men Kunze confided that he had

friends living in a cottage in Lake View, and one night he asked him to accompany him there. Following this in the same connection is the testimony of Nieman, the Ashland Avenue saloon-keeper, who saw Kunze and O'Sullivan and Coughlin in his place, which is only a block from the Carlson cottage, at 10:30 on the night of May 4. Then comes William Mertes, the milkman, who positively identified the little German as the man who drove Dan Coughlin to the cottage about 8:30 o'clock. Mertes saw Kunze's face distinctly, so distinctly in fact that he identified his photograph before he ever saw him after his arrest. He saw Dan Coughlin jump from the buggy, mount the stairs to the cottage and enter through the front door, and heard the sound of loud voices within, and also saw a bright light shining through the window. Gerhardt Wardell, a gardener, who lives diagonally opposite from the Carlson cottage, on Ashland Avenue, confirmed Nieman's story in a measure. Nieman said that O'Sullivan, Coughlin and Kunze left his saloon about 10:30. Wardell was walking north on Ashland Avenue on his way home at that time, and he said that he saw two men, one tall and the other shorter, walking directly ahead of him. He was surprised when they reached the Carlson cottage to see them turn in there. A bright light was burning inside, and as Wardell passed the cottage he could distinctly hear the sound of hammering. The next morning when he passed the cottage on his way to church he saw blood on the sidewalk, and told his wife that somebody's nose had been bleeding. The testimony of the salesman for Bacharach, the shirtmaker, was that on the morning of May 5th Cooney and Burke bought new shirts, and that they both declined, when asked to do so, to take off their coats and vests to be measured.

Then followed the introduction of Dr. Cronin's clothes, his surgical instruments and many other things of his that were found, after the case had begun, in the Evanston Avenue man-hole. Mrs. Conklin identified every article.

Then followed the real sensation of the whole case, the testi-



DR. CRONIN'S SURGICAL CASE—THE LOCK FROM THE TRUNK AND ITS KEY.

mony of Mrs. Hoertel. Her description of the white horse coming up to the Carlson cottage, of Dr. Cronin's entrance to the cottage and of the sounds she heard before she could get out of earshot was most dramatic.

There was plenty of interlocutory proof that nearly all the defendants entertained unfriendly feelings toward Dr. Cronin. Harry O'Connor told the jury that Dan Coughlin at one time called Dr. Cronin an English spy and a second Le Caron. Pat O'Sullivan, the day after the body was found, told one of his customers, who was also a witness, that Cronin was a British spy and that he ought to be killed. Martin Burke used similar language while he was engaged in conversation with Gus Klahre on the Monday following the murder. There is also evidence to show that Burke, before he went to Winnipeg, was in Joliet for nearly two weeks, that when he reached there he did not have a dollar, and that he earned but \$1.50 while he was there.

The expert testimony all tended to show that it was Dr. Cronin's hair that was found in the bloody trunk, also his hair that was found on the cake of soap in the cottage. The doctors did not give a direct opinion on the subject, because they were barred from doing so, but the hair was all submitted to the jury, to determine for itself by a comparison of the different specimens whether it was all alike.

I do not believe that one of the attorneys for the State would marshal the chain of evidence any more completely than it is set forth above, a credit which I am the more willing to claim for it, seeing that it was not my own, but the summing up of the *Herald*, prepared, I suppose, by Mr. Florence Sullivan, whose magnificent work on this mystery from first to last has attracted much attention in newspaper circles.

The closing of the State's case was not devoid of sensational features, chief of which was the introduction upon the stand of Mrs. Paulina Hoertel, a little German woman with a thin, pinched face and more intelligence than is usually found among women

of her calling. She was dressed poorly, but neatly. She has had rather a tempestuous life, and was upon one occasion arrested for chicken-stealing, but was promptly and honorably acquitted. Her husband is a man who drinks heavily, and as a consequence she has had much trouble with the neighboring saloon-keepers.

On the night of May 4, she told the court, she had left her home on Racine Avenue to go and look for her husband. The first place she visited was Ertel's saloon. She peered through the window and saw two men, who looked like laborers, drinking their evening beer. Her husband was not there. It was eight o'clock by the big timepiece which hung on the wall of the saloon. Mrs. Hoertel then started to find her husband's business partner, who lived west of Ashland Avenue. She went to Woodside Avenue and thence to Cornelia Street, from whence she determined to return home, and just as she entered North Ashland Avenue from Cornelia Street she saw a white horse, harnessed to a top buggy, dash toward her from the direction of the city. It was star-light, and from her position on the crosswalk she saw two men in the vehicle. The horse turned round directly in front of the Carlson cottage. A tall man alighted from the buggy. He carried a black satchel or box in his left hand. Mrs. Hoertel was now on the same side of the street where the tall man stood. Neither could see the other distinctly. The woman walked slowly toward the cottage. She saw the tall man extend his arm toward the buggy as if he was reaching for something. Then he started for the cottage steps. At the same instant the mysterious man in the vehicle whipped the white horse into a furious gallop and started toward the city. The tall man walked briskly up the long flight of stairs leading to the front entrance to the cottage. When he reached the threshold the door was opened by somebody within the cottage. His approach had evidently been timed by one of the persons inside. There was a bright light in the front room of the building, and when the door opened Mrs. Hoertel

saw the reflection of the flame on the steps. The door closed just as the woman got in front of the cottage. The buggy was now out of sight.

"Did you hear any sounds in the house?"

"Yes, sir."

"Tell the jury what you heard."

"It seemed to me as if somebody was crying, 'Oh, God!' and it sounded as if somebody fell, and it was all through. I could not say what it was."

This statement of the witness caused a profound sensation in the court-room.

"Did you hear anything else besides those sounds you have described?" Mr. Mills asked.

The interpreter put the question and listened intently to her answer. "'It was everything through,' she said, answered the interpreter, "'and then I could not say, and I went away.'"

"State whether or not you went home then."

"Yes, sir; I went to Roscoe Street, and on Roscoe Street to Racine Avenue, home."

"Did you see your husband there?"

"Yes, I saw him, but not immediately."

"Mr. Interpreter," inquired Mr. Mills, "have you interpreted the exact words of this witness as to what she heard coming by the cottage?"

"She said," responded the interpreter, "'everything sounded to me like it was mixed'—that is the right translation."

"You said she heard the word 'God.'"

"Yes, sir," replied the interpreter.

"Did she not say the word 'Jesus' also?"

The interpreter put the question again, and the witness' answer was: "Yes, sir; I heard the word 'Jesus.' I think that word was spoken. It sounded to me as if the words were dying away, and as if something broke."

The State's last witness, James Clancey, a reporter for the

New York *Herald*, was one of its best. Mr. Clancey came to Chicago on May 16 to investigate Dr. Cronin's disappearance, and one of the first things he did was to call on O'Sullivan, the iceman, at his home near the Carlson cottage. O'Sullivan told him he had known Dr. Cronin about five years, and that he was sure the Doctor would turn up alive before many weeks passed. Clancey asked about the contract with the Doctor for professional services, and O'Sullivan explained that accidents happened so frequently while his men were delivering ice that it was cheaper to pay a yearly retainer to a physician than ordinary fees. The night the Doctor's body was found Clancey again called on O'Sullivan, who was in his shirt sleeves.

"Have you heard the news?" the reporter asked.

"I heard they found a body in the lake to-day," was the iceman's reply.

"I hadn't heard that," said Clancey, "but I know Dr. Cronin's body has been found in a sewer on Evanston Avenue."

"What! what!" exclaimed the ice-man, his face growing pale and his whole body trembling.

"Yes, they've found the Doctor's body at last. Now I want you to go to the morgue with me and identify it, which you can do, since you knew the Doctor so well for five years."

Clancey, continuing, said O'Sullivan trembled more violently than ever at this proposition, and in the end begged to be spared from visiting the morgue.

Some rather romantic episodes were brought out subsequently belonging to the witness' career in the old country.

"I joined the Irish Republican Brotherhood," replied the witness, "in England in 1862. I was rather active in propagating the principles of the Irish Republican Brotherhood in London, and subsequently in the army. In 1866 I received a notice from James Stephens, who was then at the head of the organization, to leave the army and come on with what men I could get to Ireland and take part in a projected insurrection. My instructions

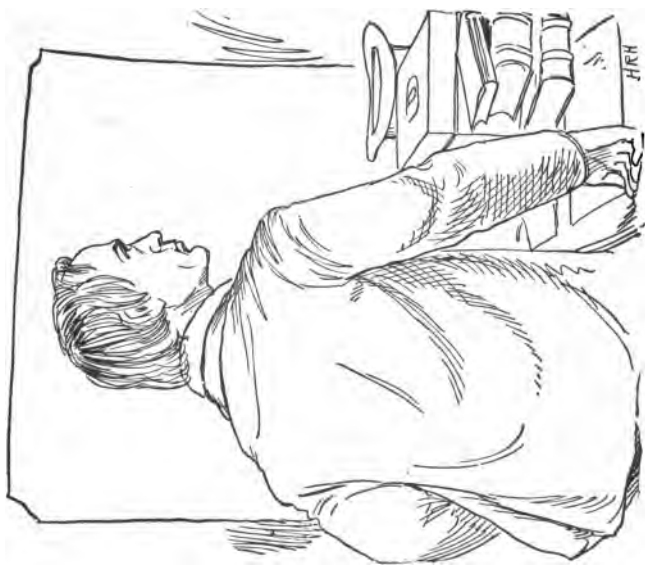
were to go to London and wait for further orders. I went to London and received orders there to wait still longer. Finally I was informed that the rising would not take place. Then I again entered into journalism, and remained in it until I was arrested in 1868 as a Fenian. I was tried. Two policemen effected my arrest, and we had a tussle and I shot at them, and that formed the groundwork of the accusation against me. I was tried and convicted at the Old Bailey in London in 1868, and was sentenced to penal servitude for life. During the trial documents were handed to the Judge relating to my career in the Irish Republican Brotherhood. Afterward he remarked that it was a very bad case, and in open court said I was a very dangerous man, after looking over the documents. He gave me the highest sentence of the law short of hanging. I remained in prison, as I have stated, for about ten years. In the meantime friends of mine in Parliament made efforts to have me liberated. Finally they succeeded, and my sentence of imprisonment for life was reduced to fourteen years, but four years was subsequently taken off for what they were pleased to term good conduct, and I was then liberated on a ticket of leave."

One of the most startling events in the whole history of the case was the finding at two o'clock in the afternoon of November 8th of Dr. Cronin's clothes and instruments in a catch-basin near the one where his body was discovered.

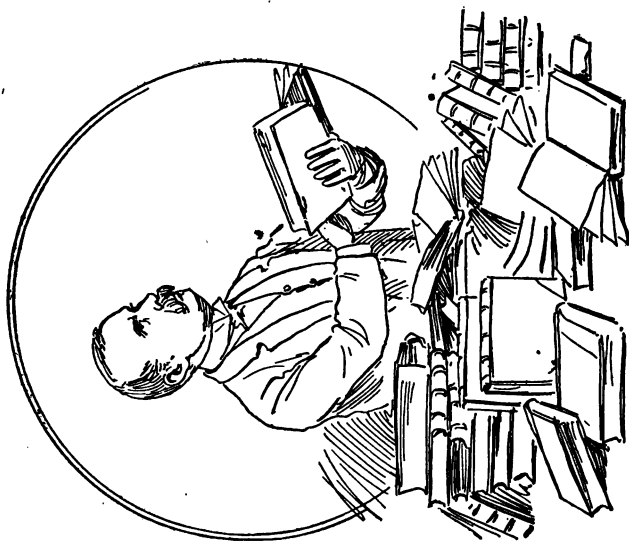
Michael Gilbert, of 152 Sedgwick Street, was foreman of the cleaning gang, Mike Reese was one of his assistants, and W. W. McMillan had charge of the flushing gang that was brought along to expedite operations. The three men raised the cover of the catch-basin at Fifty-ninth and Evanston Avenue, and Reese was lowered into it. He had scarcely reached the bottom when he shouted back to Gilbert and McMillan that he had found a box.

"What's in it?" one of them asked.

"Something that sounds like iron or tin," was the reply from Reese. A moment later the box was passed to his curious com-



Mr. Mills Addressing the Court.



Mr. Donahoe Citing the Authorities.

SKETCHES OF THE ATTORNEYS.—I.

panions, who were peering into the filthy depths, and they opened it as eagerly as if it contained Captain Kidd's lost treasure. It was an oblong box about a foot in length, seven or eight inches deep and nearly as broad. In spots there were evidences that it had once been highly varnished and polished. A brass handle in the center of the case indicated that it had been owned by some one who carried it as a satchel is carried. To force open the case was the work of but a moment for Gilbert and McMillan, who, after a single glance at the filth-covered contents, exclaimed in one breath: "This is Dr. Cronin's box!" The "tin or iron" of which Reese had spoken was an assortment of extension splints with which the Doctor had provided himself in anticipation of having to treat a fractured leg when he should reach Pat O'Sullivan's house in Lake View.

Reese soon began calling to McMillan and Gilbert again, and this time he exclaimed that he had found a satchel and a bundle of clothes. A moment later he passed up the broken frame of a second satchel, whose coverings had been entirely consumed by the foul waters of the sewer. The bundle of clothes was reeking with slimy, black refuse, and the three men, rather than examine it, concluded to turn it over to the police. One of them sent in a call to the old Lake View Station, and a quarter of an hour later the patrol wagon — the same one that carried Dr. Cronin's naked body to the morgue — was rolling up Evans-ton Avenue at a lively rate. The bundle of clothes, the half-consumed satchel, the instrument box and the leather satchel were hurriedly loaded on the stretcher, under the personal direction of Lieutenant Koch, and carried to the Sheffield Avenue Station. Once there, Lieutenant Koch hastened to telephone Chief Hubbard the details of his important find, and he received orders to deliver it at headquarters as quickly as possible. Before three o'clock the dirty packages were spread out on a rubber tarpaulin in Chief Hubbard's private office. The leather satchel, after being submitted to a bath under a running hydrant, was opened,

and the first thing the Chief drew from it convinced him that it was the missing satchel of the murdered Doctor. The article the Chief selected was a book that had swollen to more than twice its natural size. He opened it cautiously, glanced over the fly-leaf, and through the veneering of dirt he was enabled to distinctly trace the name "Dr. P. H. Cronin," written in the bold hand of the man who had once owned the book. In another part of it was a package of cards which were in a fair state of preservation. These proved to be the Doctor's business cards. They read :

DR. P. H. CRONIN, Physician and Surgeon, Chicago.	
Office, 501 Opera House Block.	Residence, 468 and 470 North Clark St
Office Hours: 12 to 1 p. m. 2 to 5 p. m.	Office Hours. 9 to 11 a. m. and 6 to 7:30 p. m.

The clothes, which were identified by Mrs. Conklin, had manifestly been cut away from the body after death.

The clothes, with a smaller satchel, had been packed in a valise, of which only the ribs remained. These, however, were enough to satisfy Mr. Hatfield that it was the same satchel he had sold to "J. B. Simonds."

The smaller bag was identified by Mrs. Conklin. In it were the instruments of the dead Doctor, a case with the name upon it, prescription blanks, memoranda in his handwriting, and letters and postal-cards addressed to him. There could not be a clearer or more satisfactory identification of every article. Besides the Doctor's shirt, there was another, doubtless worn by one of the murderers, and bundled in to hide it. It was soaked with blood, as were all the clothes, but there was no mark upon it which would give any clue to its former owner.

CHAPTER VI.

•The Case for the Defense—Contradictions of the State's Witnesses—The White Horse Again—Attacking Mrs. Conklin's Identification of the Famous Animal—Alibis for Kunze, Coughlin, Burke and O'Sullivan—The German Clan-na-Gael—Why Kunze Said he would be Arrested—Mat Dannahy's Evidence—Coughlin at the Station—O'Sullivan's Whereabouts—Circumstance against Circumstance.

THE defense commenced its case on Saturday, November 16, very quietly, by moving to exclude a great deal of the testimony offered by the State upon various grounds. These motions overruled by the court and exceptions being taken, the first witness for the prisoners, Frank Squibb, a stenographer, was called. He had taken shorthand notes of the testimony given at the Coroner's inquest, which he produced in court and which displayed several important contradictions on the part of the State's witnesses, Frank Scanlan, Jonas Carlson and John Sampson, in the various circumstances to which they had testified, and then was followed by Capt. Michael J. Schaack, who was examined as to Mrs. Conklin's failure to identify the white horse.

"Had you told Mrs. Conklin before you went up there that you thought you had the right horse and rig and would bring it up to her?"

"Something of that kind, yes, sir."

"Now tell the jury everything that was said and done from the time you met Mrs. Conklin until you left."

"There was not much said. I had the horse there and told Mrs. Conklin that that was the horse I had spoken about, and that I wanted her to look at it, and she looked at it and said it was not the horse. That is about all there is about it."

"What part of the horse were you and Mrs. Conklin looking

at while it was standing there; what part of the horse was facing you and Mrs. Conklin?"

"Well, the horse was about right down from us; it was standing so we had a side view. Then the horse went north and came back on the other side, and we could see it coming down the other side, and then it was turned around and brought up again, and put pretty nearly in the same place where it was first."

"When did you next see Dan Coughlin after the return of that horse and buggy, and delivering it to Dinan's livery-stable?"

"That I can't remember; I saw him quite often; I passed there a great deal, and I passed the station a great deal."

"Did you tell Dan Coughlin what Mrs. Conklin said about the horse?"

"I told him she said it was not the horse and he was a lucky man it was not."

"About how soon after your return from the Conklin residence did you say that?"

"That might be the same evening."

"At the time you were there did not Mrs. Conklin tell you it was a high-spirited horse?"

"She did."

"What did you say to Dinan?"

"I told Dinan he could do with the horse and buggy what he pleased; that it was not the rig we were expecting it to be."

"Had you not before that told him not to let that horse and buggy out until after you got it, Monday, May 6?"

"I told him that that horse and buggy so far was mine, and no one was to get it until I called for it."

On Monday morning the real work of the defense began.

One of the most important pieces of evidence against Kunze had been the statement that previous to his arrest he had told several persons that he expected to get into trouble on account of the Cronin case. Indeed, this, with the fact that he had changed his name, and that he was seen washing his feet in the flat 117

Clark Street, formed a great part of the case against the little German suspect.

Peter Koch is a hardwood-finisher, living at 529 Otto Street, which is only a couple of blocks away from the Carlson cottage. He had known Kunze about five years, and in March and April of 1889 the defendant had lived with him. In April Koch called upon Thomas Lynch, of the Schufeldt Distillery Company, in connection with the dynamite outrage which had been perpetrated at the distillery some time before, and about which he believed Kunze could tell something. Lynch took Koch over to the Chicago Avenue Station and introduced him to Dan Coughlin, and then Coughlin came out to witness' house with him. Kunze, it appears, had some papers which it was believed would implicate the Whisky Trust in the bomb-throwing business, and Mr. Lynch was very anxious to get at them. When Kunze came into the house that night, Coughlin and he had a long talk and then went out together. They returned shortly, Kunze drunk and Coughlin sober, and Coughlin took away from Kunze the papers which he had, and which Mr. Lynch wanted.

"What did Kunze say?"

"He said he had another paper, but would not give it to him for \$1,000. Coughlin wanted that paper very badly, but didn't get it."

"What was done by Coughlin at that time?"

"Coughlin then went away. I then got Kunze into the house."

"Did you ever see those papers?"

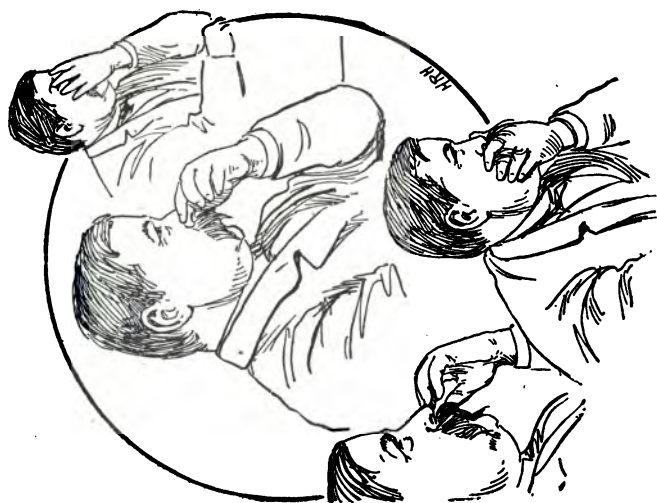
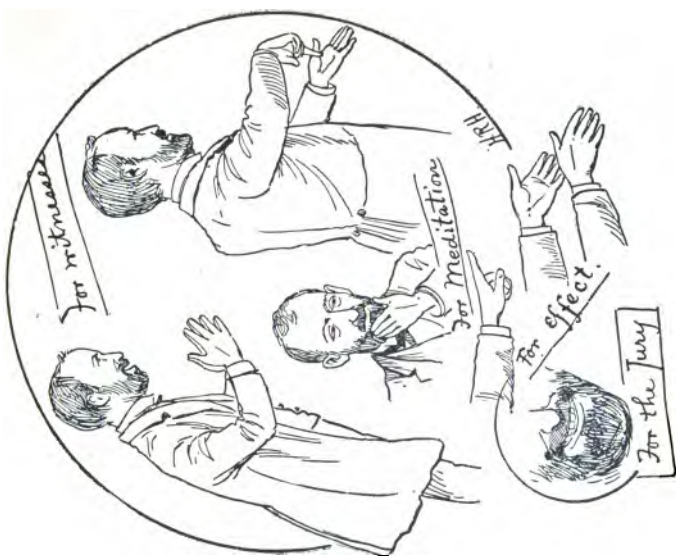
"Yes, sir, Kunze showed them to me at that time."

"I will ask you if you know what those papers were?"

"There was one letter, written by a man named Burrows, the Whisky Trust man, and one telegram."

"What occurred the next morning, if anything, between you and Kunze?"

"He got into a little trouble around there, and somebody was going to arrest him—the keeper of a little dry-goods store; and I



SKETCHES OF THE ATTORNEYS.—II.

Mr. Wing Examining Witnesses.

The Versatile Mr. Forrest.

told him I did not want him to be arrested in my house, and he must get some other place."

"When did you next see Kunze?"

"I saw him about two weeks before he was arrested. It was on the corner of Wabash Avenue and Thirty-third Street. I told him that they said he took Dr. Cronin out to the Carlson cottage and that they wanted to arrest him. I told him that if he had anything to do with it or anything like that he should come down and see Capt. Schuettler."

"Had anybody, prior to the time that you communicated those facts to Kunze, had a conversation with you about arresting Kunze?"

"Yes, sir; Capt. Schuettler."

"What did Kunze say?"

"He said he was going to come down the next day and see me."

"When did you next see Kunze?"

"The next day afterwards. He came down to Seipp's house to see me."

"What was the conversation then?"

"He told me that he was coming down Saturday evening."

"In that first conversation between you and Kunze down near Seipp's, when you met him on the avenue, did Kunze say—about his supposed connection with the Cronin case—anything, when you told him he was suspected of it?"

"He said: 'I don't look like that man as they have it in the newspapers. I have nothing to do with that thing at all.'"

A circumstance which seemed to be a difficult one to explain, was the saloon-keeper Nieman's testimony that O'Sullivan, the iceman, Coughlin and Kunze had been in his bar-room, near the Carlson cottage, on the night of the murder, and had taken drinks and cigars together. Two witnesses were found, James and Jere Hyland, cousins, who had gone out to O'Sullivan's on the night of Sunday, May, 5, to see O'Sullivan on business, and late that

evening they with Sullivan had gone to Nieman's saloon and had taken exactly the same kind of drinks that the saloon-keeper had sworn that the others had taken. One of the Hylands was tall and the other short. At a superficial glance they might be mistaken, especially after so great a lapse of time, for Coughlin and Kunze. It was the theory of the defense that they were mistaken, and Nieman had erred in thinking the party was in his saloon on the 4th of May, when they were really there on the 5th. Their evidence was very strong and manifestly made a deep impression on the jury. The manner in which they fixed the date of their visit to O'Sullivan was curious. Some days later they read in the *Daily News* an account of McGarry's visit to O'Sullivan in connection with Dr. Cronin's disappearance, and they at once identified to each other McGarry as the stranger who was at the house when they called.

The story of the cousins was not shaken on cross-examination, the only discrepancy being that one said the beef at supper was hot on that Sunday evening, the other declaring that it was cold, and when the last of them had left the room it was generally felt that one of the most dangerous allegations against Coughlin had been overturned.

But a stronger lot of proof was to come. Michael Whalen, an ex-detective, of the Chicago Avenue Station, swore positively that Coughlin was in his company the whole of the evening of May 4th, and consequently could not have been at the Carlson cottage or in the neighborhood.

"Where were you on Saturday, May 4?" inquired Mr. Forrest.

"I was at a funeral," replied the witness; "John Casey's funeral."

"Who was John Casey?"

"I lived with him two years before I was married. He kept a saloon and grocery at 107 East Huron Street."

"Where were you that night?"

"At the Chicago Avenue Station."

"About what time did you return from the funeral?"

"About six o'clock in the evening."

"Do you know Michael Brennan?"

"I do."

"What was his position on the police force on the 4th of May?"

"He was the Lieutenant of Police at the Chicago Avenue Station."



MICHAEL WHALEN.

"Was any change made in his position that day?"

"Yes, but I didn't know it until evening; he was sent back to his old place, Secretary of Police. I helped him to fix up his effects that evening."

"How far do you live from the station?"

"About four or five blocks."

"Did you see Dan Coughlin that evening?"

"I did."

"Where?"

"At the Chicago Avenue Station."

"At what time?"

"I left home, as near as I can remember, at about 7:30, and

got to the station about 7:45. Dan Coughlin was there when I arrived."

"Where was he?"

"Right in front of the station."

"Go on and tell what you did that evening, and how often you saw Dan Coughlin."

"After that, the next thing I remember I went into the station and looked into the book to see if there were any reports. The next thing I remember Lieutenant Brennan came there, and we congratulated him on his promotion. He had a lot of papers, books, etc., he wanted fixed up, and I helped him to do it. I don't know when Lieutenant Brennan left there. It was some time before nine o'clock."

"How long did you stay in and around that station?"

"I didn't go away from the station, not outside the station until twelve o'clock that night."

"That is from the neighborhood of the station?"

"Yes, I was right in the neighborhood."

"You say you saw Dan Coughlin when you arrived at the station?"

"Yes, sir."

"Did you see him after that night?"

"I saw him all that evening."

"Where next?"

"I saw him when I went outside; he was outside when I went out; I saw him up to ten o'clock."

"How often did you see him from the time you arrived?"

"Between nine and ten o'clock I don't think he was out of my sight, because I was outside the station all that time myself."

"What was the interval between the first and second time you saw him?"

"Oh, it might have been inside half an hour."

"Do you remember meeting anybody else that night?"

"Yes, I remember meeting Sergeant Stiff."

"Who was with you when you met him?"

"Dan Coughlin."

"Where were you?"

"Right in front of the station."

"What, if anything, occurred between you and Stift and Coughlin?"

"We went into Gleason's saloon and had a drink there."

"Who invited the party to go in?"

"The Sergeant did."

"Where is the saloon?"

"It is the second door west from the station."

"Go on and state what was done and said."

"We went in there. I had a glass of beer; I don't remember what they had. We were talking in regard to Lieutenant Brennan being promoted. Stift said he had to go, and he left us in the saloon."

"How long did you and Coughlin stay there?"

"I don't believe we stayed over ten minutes."

"Where did you go then?"

"We went in front of the station and stayed there awhile, and I went back into Maloney's saloon."

"Where did you leave Coughlin?"

"I left him in front of the station."

"That was on the 4th of May, this year?"

"Yes, sir, it was."

Although the cross-examination was pushed severely, it elicited nothing of importance save the fact that the reason the witness did not arrest Smith and bring him in was that Capt. Schaack had said that the Dinan horse and buggy were not the right one, and that, having been put on other police duties, he did not believe that the man was wanted any longer.

Officer John Stift was the next witness. He declared that he was neither a member of the Clan-na-Gael nor an Irishman, and that he fixed the date of May 4th clearly in his mind because it

was the evening that Lieut. Brennan was promoted to be Secretary of the Police Department.

"I came to the station about 8:30 that night," he said, "to be present for roll call."

"What did you do after roll call?"

"After roll call I went out with a section of men. I left the station and went as far as Chicago Avenue and Wells Street and saw the men off to their posts. They went off to their posts."



JOHN STIFT.

"Then what did you do?"

"Then I came back to the station, went into the station and changed my uniform, and put on a citizen's coat and a citizen's hat."

"Then what did you do?"

"Then I went out of the station to go on my duty for the night, and met Officer Whalen, or Michael Whalen, at that time."

"Who else?"

"Dan Coughlin."

"Where did you meet them?"

"Outside the door of the station."

"When you say 'Dan Coughlin' do you mean this defendant?"

"Yes, sir."

"What time was it that you met Dan Coughlin and Mike Whalen at the door of the station that night?"

"Probably twenty-five minutes to ten o'clock."

"What did you do?"

"I invited them to take a drink with me at the saloon next door to the station, and we went into the saloon. They drank each a beer, and I took a cigar. I paid for it. We staid five or ten minutes and talked about Mike Brennan's advancement. Then I left them in the saloon and went out."

On cross-examination Judge Longenecker mixed the witness up on some other dates, but could not get him away from the fact that it was on the evening of May 4th that he talked with Whalen and Coughlin on the subject of Brennan's promotion.

Redmond McDonald had attended the same funeral, which Mike Whalen had testified to, and that evening about 9 o'clock he had seen Dan Coughlin in front of the Chicago Avenue Station, and had spoken to him. The only thing brought out of McDonald on cross-examination was that he was a member of Camp 20. He fixed the date May 4th by the fact that Coughlin was shortly afterward implicated in the hiring of Dinan's rig, and he then remembered that he had seen him that same night.

William Mulcahey, the next witness, had worked for O'Sullivan since April 3. He was present when Coughlin called on O'Sullivan to ask if he knew the whereabouts of a young man named Kunze, who was wanted as a witness in a distillery. The witness had a sore leg about that time, and O'Sullivan told him about his contract with Cronin to attend to his men.

He remembered May 4th because O'Sullivan was on the wagon with him most of the day. After supper he and O'Sullivan sat and read awhile and then went to bed.

"Who went with you?"

"O'Sullivan."

"You are positively certain about that, are you?"

"Yes, sir."

"Was O'Sullivan sleeping in the same bed with you?"

"Yes, sir."

"After you had been in bed some time did you hear any noise?"

"Yes, sir. Two of O'Sullivan's men and a carpenter who was working there came home."

"Now, after they arrived home, did you hear any other noise?"

"Yes, sir; I heard Mrs. Whalen come in with an assistant; they came into our bed-room and were getting a cot out of Mr. O'Sullivan's room. There was a light burning in the room."

"Do you remember the women speaking to O'Sullivan or yourself?"

"Yes, sir."

"After you had gone to work or gone to live with O'Sullivan in the month of April, did you see a man by the name of Carlson come to O'Sullivan's barn and speak to him?"

"Yes, sir."

"Did you hear what was said?"

"Yes; old man Carlson asked O'Sullivan if he knew any of the parties who had rented his cottage; O'Sullivan said he knew none of them."

Tom Whalen, O'Sullivan's cousin, a grip-man on the North Side cable who lived with O'Sullivan, testified that the iceman was home for supper at eight o'clock on the night of May 4th, and went to bed shortly afterwards. All these facts were fixed in his memory by the inquiry which was made next day. He also testified to the visit of the Hylands, on Tuesday evening, May 5th, and in every way corroborated the case as already made.

William M. Glenn, a reporter, said he had an interview with Mrs. Conklin Saturday, May 11, at her rooms in the Windsor Theater Building.

"In that interview did she say to you that 'Capt. Schaack brought me the white horse yesterday'?"

"I believe she did."

"And that that white horse in no way resembled the horse that took Dr. Cronin away?"

"Yes, I believe she did."

Felix Zempf, a German reporter, was present at the time. On cross-examination Glenn was asked:

"You had taken the position, I believe, as a reporter, Mr. Glenn, at that time, that Dr. Cronin was not dead?"

"Yes, sir."

"And you were writing articles to that effect?"

"I don't know as I was writing anything in particular. I was writing anything I could get on the subject."

"You took that position, did you not, Mr. Glenn, in a conversation with Mr. Scanlan right there?"

"I don't much remember what I said to Mr. Scanlan. I was there to see Mrs. Conklin, and did not pay much attention to any one else. I asked her if Capt. Schaack had not had a horse there the day before; and from that I asked her a question as to what kind of a horse it was, and she said that it was not the horse, and then said that it did not resemble the horse. She said, if I recall the conversation correctly, the horse that Capt. Schaack brought there was a jaded, worn-out horse, and the one that came for the Doctor was a lively horse."

"And that his head drooped?"

"Well, she might have said that, but I don't remember the words."

Robert Boyington (a carpenter), James Knight, James Minnehan and Patrick Brennan all testified to the supper at O'Sullivan's house, and all agreed as to the time and to the fact that O'Sullivan did not subsequently leave the house. None of these witnesses were at all shaken in cross-examination, and the alibi seemed to be a very complete one.

All the testimony of the State went to show that Cronin was



Mr. Hynes and Burke's Hat.



SKETCHES OF THE ATTORNEYS.—III.

Mr. Foster Listening to the Testimony.

murdered just at the same time when O'Sullivan, according to a number of creditable witnesses, was at home.

This matter, with the testimony of Jacob Schnur, a member of the firm of P. Beckwith & Co., who made the trunk that was introduced in evidence, that the lock was a common one which many keys would fit, seemed to make a very good part of the work for the defense of the prisoners.

The foundation for Martin Burke's alibi was laid principally by Messrs. M. Dannahy, William M. Coughlin and John F. O'Malley. Dannahy said he had known Burke about a year. He knew John F. O'Malley and William F. Coughlin.

"When did you see Burke last?" asked Mr. Donahoe.

"In this court-room," responded the man of truth.

"When before that?"

"May 5, in my saloon, with Pat Cooney, P. H. Nolan, and a man whose name, I think, was Quinlan."

"When did you see Burke before that?"

"The night before, at my place."

"What time did you go on watch or on duty?"

"Between six and seven o'clock."

"How long did he remain?"

"About two hours."

"Who was there during that time?"

"William L. Coughlin and John F. O'Malley."

"When did he leave there?"

"About eight or nine o'clock."

"Did either of those men say where they had been that day?"

"Yes; at a funeral."

Mr. Hynes, in the cross-examination, ascertained that Mr. Dannahy had been in town thirteen months. He was a member of Camp 20—joined it last April.

Cooney, Burke, Nolan, and a man named Quinlan, he thought, were at the witness' place Sunday, May 5. The men played cards. The witness served them. Nolan paid for one round of drinks, but

the witness could not remember who paid for the others. He did not know whether Cooney paid Burke's bills. The witness said he helped to raise money for the defense."

"Who else was in your place Saturday night, May 4?"

"Michael Kelly and John F. O'Connor."

"Are they members of Camp 20?"

"Yes, sir."

"Do you remember any one else?"

"Only O'Malley and Coughlin."

William F. Coughlin said he was employed by the Health Department, but last May he was keeping a saloon at 116 Chicago Avenue. He said he was not a relative of Dan Coughlin. He had known Burke for three years. The night of May 4 he attended a "grand opening" of a saloon on West Van Buren Street. Just before going to the opening he went to Dannahy's saloon to get him to go with the witness and John F. O'Malley.

"What did Dannahy say?"

"He said he was on watch, and couldn't go."

"Whom did you see there?"

"Martin Burke."

"The prisoner here?"

"Yes, sir."

Mr. Hynes ascertained that the witness had visited a number of saloons the evening of May 4. He left Dannahy's place between seven and eight o'clock.

"When did you first report this to any one?"

"I saw Mr. Dannahy one day, and he asked me if I remembered what day the opening was. I said it was May 4."

John F. O'Malley gave similar evidence, going, however, more into details. He said that he and W. F. Coughlin had hired a carriage at Sigerson's livery stable at 7:30 p. m., on May 4, to go to the opening of Fleming's saloon, and that on the way there they had called at Dannahy's place to get him to go with them.

CHAPTER VII.

The Case for the Defense Continued—An Alibi for the White Horse—Louis Budenbender's Testimony—"It Was a Gray Horse"—The Surprise from Hoboken—More Expert Evidence on Hair and Blood Corpuscles—How Scientists Disagree—Interesting Details—The Philosophy of not Knowing—Arresting a Witness—How Budenbender was Subpœnaed—Mertes Again on the Stand—Carlson's Testimony Seriously Impeached—A Breach in the Wall of Evidence—The Prisoners' Hope.

ALL of this work, however, was only preparatory to the real work which the defense had prepared to do. Everybody friend and foe, had recognized the weakness of one of the chief episodes upon which the defense relied—the identity of Dinan's white horse with the animal which was used to take the Doctor to his death.

The reader has already been shown how Mrs. Conklin refused to identify this much-talked-of brute when Capt. Schaack brought him up to her residence. Indeed, according to one account, she said that she believed the Captain was putting up a game upon her, and that the horse he brought was a broken-down animal, while the other one was a spirited steed.

Later, when Mr. Beck, of the *Times*, brought the same horse to her, she recognized him at once, as did Mr. Scanlan, and thus the matter stood until the 21st of November, when Mr. Forrest called Louis Budenbender to the chair.

Outside of the attorneys, nobody knew what this young man could tell, and accordingly it was with but a languid interest that the crowd in the court-room saw Mr. Budenbender make his way through the throng to the witness seat. Everybody looked up when he said he was from Hoboken, N. J.; and the interest

became more marked when he said that he knew Dr. Cronin. Everybody wondered what was coming next.

"I lived in Chicago from the 9th of August, 1888, until the 22d of May this year," he said. "During my residence in Chicago I lived with Fred Limouze, first at 545 North Clark Street, and in the latter part of April, this year, at 490 North Clark Street, which is close to the Windsor Theater and the building in which Dr. Cronin had his office. On the night of the 4th of May I was in a cigar store on the opposite side of the street, kept by a man named Jeykell. This cigar store is about ten or twelve feet north from the residence of Mr. and Mrs. Conklin. I got there about seven o'clock, and was in that cigar store when I saw a horse and buggy drive up. I remained in the store till about eight or nine or perhaps ten o'clock that evening, as it was my habit to go there to meet young men of my acquaintance. I saw Dr. Cronin and another man come out on the sidewalk and start for the buggy, and a man came up on the sidewalk and had some conversation with the Doctor. Then the man that was with the Doctor unfastened the horse and got in and sat on the left side of the buggy, and after awhile Dr. Cronin, having been talking to the other man on the sidewalk, changed seats with the driver, and they drove away. The Doctor had a small box, which might have been a medicine case; I could not say."

"How long were you looking at that horse at that place?"

"Before they started perhaps ten or fifteen minutes."

"Did you see the horse start?"

"I did."

"Notice his gait?"

"Yes, sir."

"Did you notice the color of the horse?"

"It was gray—speckled gray, I would term it."

"As to his legs, what was the color?"

"They were dark."

"Have you seen the horse at Epstein's Museum, that was pointed out to you by Dinan?"

"I have."

"Did you look at that horse there?"

"I did."

"Was that horse that was pointed out to you by Patrick Dinan the horse that took Dr. Cronin away on that evening?"

"It was not the horse that I saw; it does not resemble it."

"What is the difference between the two?"

"The horse I saw on Tuesday is a white horse. The horse I saw on the 4th of May was a dark gray, speckled gray."

The cross-examination was long, close, and marked with considerable acerbity on Mr. Ingham's part, who was naturally somewhat heated over this blow at the most dangerous part of the State's case. He first tried to find out whether the discovery of Dr. Cronin's body had anything to do with the witness leaving the city, and then examined him on the clothes the different people about the buggy wore—Dr. Cronin, the man who drove and the man (Frank Scanlan) who came up and spoke to the Doctor—but the result all through was a clear victory for the defense. The witness could not be trapped into any statement which gave the State any comfort, and finally left the stand with the State's case against Coughlin in a somewhat weakened condition.

After this came a very uninteresting, but necessary session with the experts who had been examining the hair and the blood corpuscles found in the trunk and on the floor and furniture in the Carlson cottage.

Marshall D. Ewell, one of the professors at the Northwestern University, was asked:

"In the present state of science is there any means by which human hair can be certainly distinguished from all other hair?"

"No, sir; not to my knowledge."

"Is there any way by which it can be scientifically ascer-



Mr. Carlson Testifying.



Mr. Clancey on the Stand.

SOME OF THE WITNESSES.—I.

tained with definiteness that two given specimens of hair came from the same head?"

"No, sir."

"Has the correspondence in the diameters of the hairs of one given lock with the hairs of another given lock any scientific value to determine whether the two locks came from one or the same head?"

"It has not."

"Are there variations in the diameter of hair in a given individual?"

"There are great variations."

"Is that variation as marked and as great in the hair of a given individual as the variations in the hairs taken from the heads of different individuals?"

"I think it is."

"Are there noticeable differences in the structure of the hair of different persons?"

"Scarcely any, if there are any at all."

"Is the hair of any lower animals liable to be confounded with and taken for human hair?"

"I think so."

"Is the microscope of any service in the examination of the color of hair?"

"No, sir; it is not; on the other hand, I think it is misleading."

"Does science in its present state furnish any means of determining whether or not two given specimens or locks of hair came from the same head?"

"No, sir."

"From your knowledge and experiments with hair, please state if it is possible in your opinion to determine by a naked-eye inspection that two given specimens or locks of hair came from the same head?"

"It is not."

And all this, remember, from a man who has made the microscopical study of hair almost a specialty since 1844. A more categorical contradiction of the testimony introduced by the State could not well be imagined. As to the fuzz or, scientifically, "lanugo," of which a good deal was made by the State's witnesses, the expert was asked :

"Take a specimen of blood derived from the floor of a dwelling; would the presence in such specimen of a dozen of the little substances or fibers you have spoken of be of any scientific value or evidence in determining whether the specimens of blood were human blood?"

"No, sir."

"Would their presence be of any scientific value or furnish any scientific evidence that the fibers were not lanugo?"

"No, sir; they would not."

"State how common and prevalent are the little substances and fibers spoken of?"

"They are being continually shed, and we may expect to find them almost anywhere where man lives."

"If it were conceded that the little substances and fibers mentioned by Mr. Tolman came from the human body and were found in the specimens of blood taken from the floor of a dwelling, would it be of the slightest scientific value in determining whether or not the blood in question was human blood?"

"No, sir; I think not."

"Is that substance," resumed Judge Wing, "derived only from the human body?"

"It is found in all sorts of animals and reptiles. Every time you comb your head you comb out scaly epithelium; every time you rub your face you rub off scaly epithelium; every time you expectorate you expectorate scaly epithelium; every time you dust your carpets you shake out epithelium. In my experience it is found everywhere. I have found it in carpet sweepings, and in sweepings of the floor—not in large quantities, but

in considerable numbers. I have made examinations for the purpose of ascertaining whether that was a fact."

As to the claim which the State set up as to the identification of the blood, Prof. Ewell was equally certain that there was nothing in it. The testimony was diversified by little scenes like this:

"Suppose the examiner only selected and measured the larger corpuscles found, what would be, in a scientific point of view, the value of that examination?" asked Judge Wing.

"I object to that," said Mr. Hynes. "It is an opinion upon somebody else's opinion."

"I want to show," said Judge Wing, "that their methods were unscientific as well as unfair. You know that they are unscientific."

"As it is a battle between experts," said the court, smiling, "I will let it come in."

The reporter's notes had to be again referred to, and the question read over, and Prof. Ewell replied:

"I should not regard it as having any scientific value."

"In the solution of dry blood to liberate corpuscles for examination under the microscope, of what service or value would a solution be, composed of water and common salt of the specific gravity of 10.55?"

"I think it would be of no service; the specific gravity is wrong."

Following Prof. Ewell came Dr. Moyer, late County Physician, and now lecturer on physiology in Rush Medical College, and he, too, took the ground that the examination made by the State's experts amounted to nothing, and that their results were either false or misleading.

Judge Wing submitted a hypothetical case to the witness, which began as follows: "Take a man between forty and forty-six years of age, a physician by profession, who, while in apparent good health, leaves his office and home, gets into a buggy and is

driven away, at or near the hour of seven or 7:30 o'clock in the evening, on the 4th of May, 1889, and his dead and naked body is discovered on the afternoon of May 22, 1889, in a catch-basin, and shows at the post-mortem examination, held on the 23d of May, the following wounds, injuries and conditions." [Judge Wing then detailed the wounds found on Dr. Cronin's body, as related by medical witnesses for the State.] "From the foregoing," continued the counsel, "can you form an opinion as to the cause of the man's death?"

"I cannot form a definite opinion on that hypothetical case," replied the witness, "as to what caused death."

"As a physician and surgeon can you reach the medical opinion on the case presented to you that the man died from the wounds and injuries described?"

"I cannot, for the reason that the wounds and injuries as described in the hypothetical case are not fatal wounds and injuries. A wound or injury must kill from its direct injury, or from any secondary consequence that may result from it; as, for instance, a bruise upon the head might produce a clot in the brain, and the clot would be secondary to the bruise. A very small injury might cause death, if blood-poisoning succeeded, and the blood-poisoning would be secondary to the injury. The immediate effects of wounds and injuries are when some vital organ is involved. No vital organ was involved in this case, and no secondary consequences from those injuries is described; therefore I cannot infer that they were the cause of death."

Prof. Curtis, an expert microscopist and a specialist on the subject of hair, upon which he has lectured several times, was called.

"In the present state of science is there any means by which human hair can be certainly distinguished from all other hair?" he was asked.

"I think not," replied the witness.

"Is there any way by which it can be ascertained with

definiteness that two given specimens of hair came from the same head?"

"I think there are no means of determining it."

"Has the correspondence in the diameters of the hairs of one given lock any scientific value in determining whether the two locks came from the same head?"

"I think not."

"Are there variations in the diameters of the hairs of a single person?"

"Very great."

"Is that variation as great in the hairs of a single individual as it is in the hairs taken from different individuals?"

"It may be."

"Are there noticeable differences in the structure of hairs of different persons?"

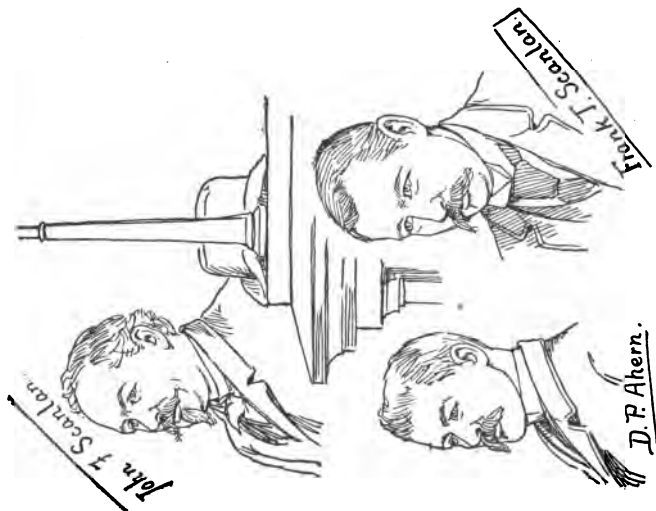
"Yes, sir."

"Is the hair of any lower animal liable to be confounded with that taken from the human head?"

"Yes, sir."

In answer to further questions which ran in the same line as those propounded to the other experts, witness stated that the microscope is of no service in determining the color of human hair, and that, in fact, it would be a disadvantage rather than an advantage. "Most hair," he said, "which has much color is opaque, and only can be seen by the reflection of light. It is only the grosser peculiarities of hair that can be determined accurately, and the naked eye would be of more service for that than the microscope. There are no scientific means of determining whether two locks of hair came from the same head. There is such a growth on the human body as lanugo, commonly called fuzz. There is such a growth on some of the lower animals."

The line of examination which Judge Wing now pursued was meant to discredit Professor Tolman's testimony in regard to the results of the microscopical observation of the clot of blood



SOME OF THE WITNESSES.—II.

John F. Scanlan.—D. P. Ahern.—Frank T. Scanlan.

Mrs. T. T. Conklin on the Stand.

which he examined, and the variations of fuzz, or lanugo, which he found in it. The witness stated that under the microscope this lanugo presents a fiber which appears structureless, and there is no way to determine scientifically that particular specimens came from the human subject. He said that those fibers are found on the skin, and they are constantly floating around in the air, wherever the human person is; they could not be distinguished as having been found in human blood. Scaly epithelium is not a substance derived only from the human body; it is the outer covering of all animals. There is no scientific way to determine whether that scaly epithelium is from the human body or not. The presence of this scaly epithelium is of no scientific value in determining whether a clot of blood in which it is found is human blood or not.

August Salzman, who lived in the same house with Mrs. Hoertel, testified that the new lock on the house, which she said had kept her out of her home on the night of May 4th, had not been put on till after May 4th. Officer Stift was recalled to make some minor corrections in his testimony, and Jacob Lowenstein, formerly a detective, described "Major" Sampson as a bad character, and said that John C. Garrity, whose saloon Sampson frequents, was animated by a more determined hatred of Dan Coughlin, and had long determined to get even with him for arresting the thieves who frequented his doggerly.

A very dramatic episode, in which the witness Budenbender figured, occurred at this time to lighten the monotony of the case. The best way to tell what happened is in the words of Mr. Forrest's clerk, Mr. Louis L. Harris, who was about the only cool and collected observer of the amazing conduct of Police Officer Linville.

"Tell us all that occurred there, and the manner of this man's arrest."

"Mr. Budenbender and myself went over to the Sherman House, and Mr. Budenbender said, 'Let us get our shoes shined

before we go to dinner,' and I said 'All right.' There was one chair vacant, the other chairs had people in them. Mr. Budenbender sat down, and that officer there (indicating Linville) came in and said, 'You are Mr. Budenbender, are you not?' He said, 'Yes, sir, I am.' The officer said, 'I have a subpoena for you,' and he started in and read it through. I said, 'That's all right,' and he said to Mr. Budendender, 'I want you to go with me right away.' 'Well, Mr. Budenbender,' said I, 'won't do it.' And I said, 'Mr. Budenbender, you don't have to go with this officer.' The officer said, 'Look here, young man, I don't want any of your interference in this case.' I said, 'I came over here with Mr. Budenbender.' He said, 'Mr. Budenbender, will you go with me.' Mr. Budenbender said, 'No, I won't.' I said, 'If you have got a warrant for Mr. Budenbender he will go with you, and if you have not, he won't.' 'He will go with me, and I don't want any of your interference.' I went off and was going to telephone over to the office, but I thought I would come back and see if the officer was any way reasonable. So I came back and said, 'Mr. Forrest will be over here in a few minutes; can't you wait for him?' He said, 'I won't wait for Forrest.' I said, 'Lou, don't go with this officer,' and the officer thereupon opened his coat and showed his star and said, 'In the name of the people of the State of Illinois I command you to go with me,' and I said, 'In the name of William S. Forrest I command you to stay here.' [Laughter in court, which there was no attempt to suppress.] That seemed to make the officer pretty badly rattled [more laughter] and angry at the idea. So as soon as 'Louey' got down he caught him by the arm and he said, 'If you don't come I will call for the wagon,' and he said to me, 'If you interfere I will run you in too.' I said, 'Go ahead. If you have got a warrant for this man take him in, and if you haven't I have got my instructions from the office, and I propose to follow them.' He said, 'I am going to take him along.' There was a messenger boy in the Sherman House, and I happened to see him, and I sent

him over to the office. I sent a note over to Qualey to come over to the Sherman House, and then I joined him as quick as I could and I went after him. Then Qualey and myself came over on a dead run—a dead heat.”

Judge McConnell declared that the evidence did not show contempt of court, and consequently there was no case to pass upon. He said:

“I have come to the conclusion that it is not contempt of court, without going into the question further, even if all that has been testified to is a fact. There is no case for me to pass upon, even if it is a fact that this officer used any force in serving that subpoena. All I can say is it is very wrong and very bad and a great personal outrage. I do not know whether he did it, and I cannot determine that from the nature of the evidence. Police officers ought to know that they cannot do anything of that kind. Any attempt to intimidate that man, and bring him here, as if under arrest, or to induce him to think he was obliged to respond to the subpoena, was an outrage.”

William Mertes, whose story on the stand for the prosecution as to the buggy he had seen stop at the Carlson cottage on the night of May 4th, and the man he had noticed who had gone into the house, has already been given, was recalled to explain contradictions that had been found in his statements as first made to the police and his statements on the stand. He now admitted that he had no way of fixing the date when the buggy stopped there. He admitted that he had described the horse as a bay with a white face, but he declared that he had not told the police that it was a tall, slim man that went into the cottage, nor that he had heard a scuffle. He said he told the officers that he had heard “a noise,” and that as he subsequently returned by the house he had heard “a hammering.” This he repeated in several ways, so that there could be no doubt of what he meant to swear to.

Detective Michael J. Crowe was then called for the defense,

who said that he was working upon the Cronin case, and, having learned that Mertes knew something about it, he called upon him. Mertes told him that a buggy drawn by a bay horse with a white face had stopped in front of the cottage, and a tall, slim man had got out and gone into the house. Mertes said there was a scuffle.

"Did you ask him what day it occurred, and did he not say he did not know?"

"Yes, sir."

"Did you not ask him, 'Was not the next day Sunday, and did you go to church on Sunday?'"

"I did."

"Did he not answer, 'I do not know whether the next day was Sunday; I do not go to church?'"

"Yes, sir."

"Did you ask him whether he had any business transaction that would call that day to his memory?"

"I did."

"Did he then answer, 'I cannot recollect anything that would make me know the date?'"

"Yes, sir."

"Did you ask him whether he saw anything at the cottage at the time, and did he not answer that he heard a scuffle when he went by, but the noise did not last long and he paid no attention to it?"

"Yes, sir."

One of the most important pieces of testimony introduced was that brought in to contradict old man Carlson's statement that he had talked to O'Sullivan about the tenants in his cottage on the 20th of March, at the very time when O'Sullivan, was up at the Halsted Street viaduct, superintending the unloading of two cars of ice which he had bought. This was proven by Henry McBride, the Elgin ice merchant, who was present, Dwyer Thompson, who superintended the work, several of the men, and the books of Mr. McBride's business.

CHAPTER VIII.

Evidence in Rebuttal—A Curious Incident—"That is a Lie!"—Attacking the Alibis—Swanson's Famous Drive—Dan Coughlin's Knives—A Sensational Episode—T. T. Conklin and the Lowenstein Brothers on the Stand—Coughlin's Trousers—The Knives and their Meaning.

THE evidence in rebuttal and surrebuttal did not take long to bring before the jury. The first witness called by the State was Dr. Curran, who was wanted to prove Mr. Lyman's animus against Dr. Cronin, evidence which the court would not let in. While Curran was on the stand a very curious episode occurred, which caused much amusement. The attorneys on either side were engaged in a very heated argument on the admissibility of Curran's testimony, and there was a good deal of ill feeling being shown, when, just as Judge Longenecker had stated one of his positions with more than usual emphasis—

"That's a lie!" said somebody.

Longenecker wheeled around and glared at Forrest. "No matter whether it's a lie or not," he said, "you ain't judge and jury—you're not to pass upon it."

"I didn't make that remark!" said Forrest.

"Well, who did?"

"I don't know," returned Forrest; "I only know it was none of the defendants or their attorneys."

In the meantime Judge McConnell had been gazing at the group out of which the statement had come, in blank amazement.

"Who was it said that?" asked the Judge.

Whereupon arose Mr. Wood, the *Daily News* reporter, and confessed: "I was talking to one of the men at the table," he said, "and must have spoken louder than I intended. I was not talking about anything that was going on in court; and when

Judge Longenecker stopped speaking so suddenly, he left me going ahead."

This scene, with Capt. Schaack's denial that Detective Crowe had made any reports to him whatever, closed the day's proceedings, which were shortened materially by the fact that the State was unprepared to go on at the time.

Next day, however, November 26th, the witnesses for the prosecution were marshaled in great force.

Bailey Dawson and A. C. Babcock, two well-known frequenters of the Grand Pacific, testified against the statement that Beggs had been at the Grand Pacific Hotel in their company on the evening of May 4th, as Dawson was sick in the hospital at that time.

William Nieman, the saloon-keeper at 1788 Ashland Avenue, followed with a declaration that neither of the Hylands was in the saloon on Sunday night, May 5th, to his knowledge, and that there had been a crowd in the saloon all that evening, thus contradicting the Hylands' statement that when they were in the saloon with O'Sullivan they were the only ones there.

Next, the State attacked Burke's alibi, a part of which, it will be remembered, included the statement that W. F. Coughlin and John F. O'Malley had come in a carriage to Dannahy's place and found Burke there. After fixing the date upon which O'Malley had hired the hack, which was shown by the books of Sigerson's livery stable to be May 4th, from 6:30 p. m. to 12:30 a. m.; the driver of the carriage, Fred Swanson, was put upon the stand. Swanson said that Coughlin had not got into the carriage at all, but that it was occupied by O'Malley and another man.

"Where did you go with O'Malley and the other man?"

"I went to Lake Street. I took Chicago Avenue to Franklin and Franklin to Erie, and then over Wells Street to Lake Street, and I stopped the carriage at the corner of Lake and Clark."

"How long did you stop there?"



Mrs. Hoertel.

SOME OF THE WITNESSES.—III.



Mrs. Whalen.

"Just about ten or fifteen minutes."

"Then where did you go?"

"I went to Austin Avenue and Wood Street."

"Up to that time did you have more than Mr. O'Malley and this other man in the carriage?"

"No."

"How long did you stop in that place?"

"We stopped at Austin Avenue and Wood Street ten or fifteen minutes."

"Then where did you go?"

"I went to 809 West Madison Street, where there is a livery stable on the side of the saloon, and we stopped there for about an hour and a half."

"Then what did you do?"

"I went over to 5 Erie Street and stayed there about half an hour. Then I went to a saloon on Franklin and Erie, and we stayed there about half an hour."

"What time was that?"

"Well, it was kind of late; it must have been near twelve o'clock."

"Then where did you go?"

"I went over to Coughlin's saloon."

"Did you go in?"

"No."

"Did O'Malley and the other man get out there?"

"No."

"From the time that you left Coughlin's saloon, about half-past six in the evening, until you returned, about midnight, was Coughlin at any moment in your carriage?"

"No."

"Have you stated all the different places at which you stopped that night?"

"Yes."

"Did you go down to Van Buren Street on the West Side that night?"

"No."

The witness was then turned over to the defense for cross-examination. Mr. Forrest developed the curious fact that Swanson had no recollection of what he did on the 3d of May, or the 6th, 7th and 8th of May; but his memory was firmly fixed in regard to the incidents of the 4th of May.

The State next attacked the character of the witness Salzman, who, it will be remembered, was introduced by the defense to show that Mrs. Hoertel was not locked out on the night of May 4, and produced some half a dozen witnesses who gave him a very bad name.

Patrick Dinan was recalled. He swore that in the conversation between himself, Coughlin and Captain Schaack, he had said: "You can do your own describing—Coughlin knows him and saw him, and can describe him better than I can." Dinan also said that the effect of rain upon his celebrated white horse would probably be to make him darker.

A. B. Anderson said that he was in Nieman's saloon several times on the evening of May 5, and that there were a number of persons in there at the time.

Chester B. Smith, a police officer, had examined the files of the Chicago papers from May 4 to May 25, and had found no reference to Coughlin's connection with the hiring of Dinan's white horse. This was for the purpose of contradicting the other police officer who had fixed the date when he saw Coughlin at the Chicago Avenue Station by a publication in one of the papers a week later.

This closed the State's case in rebuttal, and the defense opened in surrebuttal, first putting James Felthan, the Secretary of the First Ward Republican Club, on the stand, who stated that the meeting of the club at which Mr. Gleason had stated Mr. Beggs was present, had been held on May 4, as the books showed.

Stranger than all of this, however, was the evidence which Mr. Forrest brought in, in support of the Burke alibi. O'Malley and W. F. Coughlin had seen Burke in Dannahy's saloon on the night of May 4. Swanson, the carriage driver, swore that Coughlin did not go with O'Malley that night, that the carriage had not gone to Dannahy's, and it had not gone to Fleming's opening on West Van Buren Street. Swanson was put in a very bad light by the testimony that followed.

First came John Fleming, the brother of the owner of Fleming's saloon. The card of invitation for the opening on May 4 was shown, and the witness swore that he was in the saloon all of that evening.

"How many carriages drove up that night?" queried Mr. Forrest.

"One carriage, with William Coughlin and John F. O'Malley inside. It got there about 9:30 o'clock."

"What kind of a man was the driver?"

"He was a tall man, taller than I am, with a light mustache; he was a Swede."

"Tell what occurred at the saloon?"

"Drinks were bought several times, and there were music and dancing."

"How was the driver dressed?"

"He had a livery suit on and a tall hat."

"What became of that suit?"

"Mr. O'Malley wore the suit home."

"Who drove the carriage home?"

"Mr. O'Malley; and Mr. Coughlin, the driver and I rode in the carriage part of the way home, until we got to the first place we stopped at. After that Mr. Coughlin rode with Mr. O'Malley on the seat and the driver rode with me inside."

"How many persons were in the saloon when O'Malley put the driver's suit on?"

"There was a good many, I didn't count them."

"How did you happen to get into the carriage?"

"They asked me if I wanted to ride home with them, as I lived on the North Side."

"Where are the places you stopped at?"

"We stopped first at a saloon on the corner of Robey and Austin Avenue. The next place was at a grand opening on the way; I don't know who kept that saloon. We saw a sign of the opening out, and pulled up and went in and got a drink. The next place was on Halsted Street, and the next was at a saloon kept by a man named Doyle, on Erie Street, over the bridge. We next stopped at Pat O'Malley's on Erie Street, and called in the saloon next door after coming out of O'Malley's. I don't know the proprietor of that place. The next stop was at the corner of Illinois and Market Streets, and then we went to Coughlin's, on Chicago Avenue."

"Who were in the carriage when it arrived at Coughlin's?"

"The driver and I. Coughlin and O'Malley were on the seat."

"What was the condition of the driver before he left the opening and after he got to Coughlin's?"

"He was sober when he came to the opening, but when he got to Coughlin's I could see he was a little under the influence of liquor. We arrived at Coughlin's about 12 o'clock."

Every point of this testimony was corroborated by C. C. Rogan, a commercial traveler for Meyer Bros., of Cincinnati, who was in the saloon through the evening; William Fortune, who is a nephew of Peter Fortune, the treasurer; and Walter Fleming, the owner of the saloon. To this mass of testimony was added the evidence of Henry Ganey, Peter O'Malley, Robert Gibbons, Martin Kennedy, George Dickey and Matthew Dickey, each of whom corroborated some of the details in O'Malley's and Coughlin's original account of the night's doings.

This was a severe defeat for the State, for it seemed to stake its attack on Burke's alibi on Swanson's statement of the move-

ments of the party in the carriage that night, and his declaration that Coughlin was not in the vehicle.

But a worse mistake by the State was to follow, and one which manifestly made a deep impression on the jury. It was the 29th of November, and the case was just about to be closed, when Judge Longenecker announced that some new evidence had just come to light, which he asked permission to introduce. This was granted, and Detective Bartholomew Flynn was sworn. He produced two pocket knives which he had taken from Dan Coughlin when he was arrested, and which he had since kept. He had said nothing about them because he had attached no importance to the fact, but the night before he had mentioned the matter casually to Capt. Schuettler.

The knives were produced, and T. T. Conklin was called to the stand.

"Did you ever see these knives?" he was asked.

"Those, or others exactly like them."

"Where did you see them?"

"In Dr. Cronin's possession."

"Do you know where Dr. Cronin got the one that looked exactly like that (indicating the smaller one)—the white-handled one?"

"I made him a present of that one; I carried it two years myself."

"How about the other knife?"

"I found the other knife on the street, or one which looked like it."

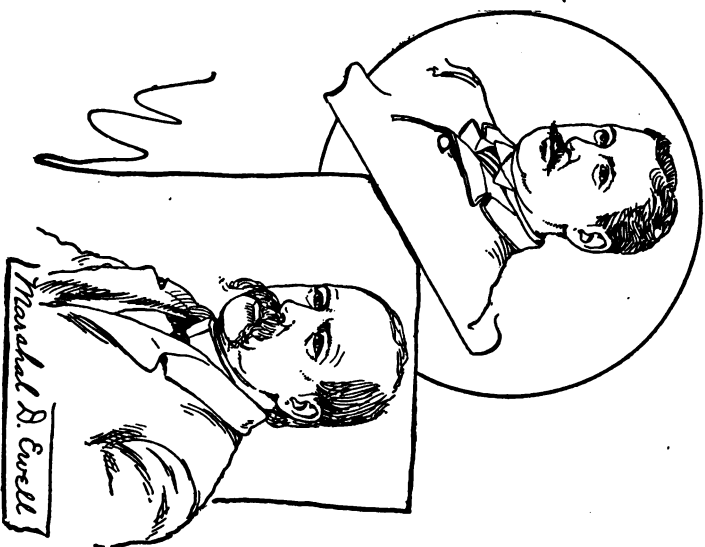
"Is the white-handled knife you gave him exactly like that (indicating)?"

"Yes, sir."

"You found the little knife on the street when?"

"A year and a half ago. I took it home and laid it on the sideboard."

"You gave Dr. Cronin that knife?"



Louis Budenbender.

Marshall D. Ewell.

SOME OF THE WITNESSES.—IV.

Mrs. Carlson and her Son.



[398]

"Yes, sir."

"Do you know where Dr. Cronin carried that little knife?"

"In his vest pocket."

"And the other knife?"

"In his pants pocket."

"Where did you see Dr. Cronin with those knives last before his death?"

The Court—"Do not assume that those are the knives—the witness has not said so."

The State's Attorney—"Well, with knives like those?"

The Witness—"I saw him use a knife like the smaller one within a week before he was taken away, and probably within two or three weeks before I saw him have the other on the table where he was writing or sharpening his pencil."

On cross-examination the witness refused to swear positively that the knives were Dr. Cronin's, but Judge McConnell decided to admit them in evidence.

This looked rather serious, but the next day it was about as thoroughly proven that the knives were Coughlin's own, and that he had been carrying them for months, as anything could be shown in court.

August Lowenstein was called on behalf of the defense and examined by Mr. Forrest. After stating his name, and that he keeps a clothing store at 50 Racine Avenue, he testified that he had sold a pair of pants to Dan Coughlin on the 27th of April, this year, a fact shown by the books of the store. The pants had to be altered, and while Dan was waiting for the new pants he laid out of the pockets of the old ones on a chair some keys and two knives.

"How do you happen to remember the two knives?" asked Mr. Forrest.

"Because I wanted to take one of them."

"Did you try to take one?"

"Yes, sir."

"Which one?"

"The light-colored one," replied the witness, holding up a knife which had been put into his hand by Mr. Forrest for the purpose.

"What do you say as to this other one?" said Mr. Forrest.

"I could not say positively, but it looked somewhat like that."

Jacob Lowenstein was next called on behalf of the defense, and examined by Mr. Forrest.



JACOB LOWENSTEIN.

"Your name is Jacob Lowenstein?" he was asked.

"Yes, sir," replied witness.

"I believe that you testified before that you were a policeman up to some time last year?"

"Yes, sir."

"Connected with the Chicago Avenue Police Station?"

"Yes, sir."

"And traveled with Dan Coughlin?"

"Yes, sir."

"Up to what time?"

"February the 6th."

"For how long did you travel with him?"

"From September, 1887, to February 6th."

"I would like to have you tell the jury how much detectives—partners is what you are called—are together?"

"They are together all the while."

"Day and night?"

"Yes, sir, until they are ready to go home."

"Walk the streets together, and are in the station together?"

"Yes, sir."

"Where you find the one you generally find the other?"

"We always wait for one another at the police station."

"Did you ever see Dan Coughlin's pocket knives?"

"Yes, sir. One of them I have seen quite often."

"How many did he have?"

"Two."

"Please look at these two knives," said Mr. Forrest, exhibiting the knives introduced in evidence to the witness.

"This is Dan Coughlin's knife," replied Lowenstein coolly.

"How do you know it?" asked Mr. Forrest.

"I know it from the way it is ground, and the color of the handle, and the general appearance of it."

"How is it ground?"

"It is ground at the point on the sandstone at the station. He ground it that way while I was standing there talking."

"And the other one?"

"The other one is a *fac-simile*. I think it is the same knife, but I would not be positive."

"But as regards the small knife you are positive it is his?"

"I am positive it is his. I know he had one just like it."

"How often have you handled the small knife?"

"I could not say; I have handled it quite often, cutting strings and one thing or another."

"While you traveled together last winter and before that?"

"Yes, sir."

Cross-examination only strengthened the identification, and with this sensational episode the evidence in the case was finally closed.



BOOK V.

THE APPEAL TO THE JURY.

CHAPTER I.

Longenecker's Review of the Case—The "Mountain Peaks" of the Evidence—The Secret Committee—Letters of Beggs and Spelman—"That Committee Reports to Me Alone"—From Camp 20 to the Clark Street Flat—From the Flat to the Carlson Cottage—A Chain of Guilt—Why Cronin was Denounced—O'Sullivan's Contract—Burke and His Flight—Coughlin's Share in the Plot—Kunze at the Flat—An Array of Dammning Circumstances—Common Sense and Circumstantial Evidence.

FRIDAY was the ruling day of the Cronin case. It was on Friday it began, and on Friday the work of investigation ended and the argument to the jury began. State's Attorney Longenecker was the first speaker. He opened in the usual fashion, thanking the jury for their work and their patience, and then at once attacking the "mountain peaks" of the evidence.

He charged that there had undoubtedly been a conspiracy to commit murder proven against the prisoners.

He marshaled the evidence going to show the excitement in Camp 20 following O'Connor's speech, and Dan Coughlin's motion for a secret committee to investigate the source of O'Connor's information.

"Remember now," said Judge Longenecker, "that Foy had made his speech claiming that there were spies in the order—claiming, as he charged, that there were other Le Carons in the order. Following that O'Connor had made his speech on the

other side. The two factions had met. Thomas O'Connor had stated that the ex-executive body had squandered the funds of the organization; that they had put men behind the prison bars, and that Le Caron was in the pale of that executive body; and then he gives as his reason for making such statements that he heard it read in another camp.

"They all knew that Dr. Cronin was on that committee of investigation at Buffalo, and that he had made a separate report from the others. They knew that he had protested against the report of the majority; that he had a minority report. They all knew that he had condemned this executive body and charged upon them the frauds that, it was reported and he insisted, they had perpetrated. It was Daniel Coughlin who was an enemy of this camp of Dr. Cronin's, who despised and hated Dr. Cronin, who moved that a secret committee be appointed to find out just what they all knew at the time—that it had been read by Dr. Cronin in his camp.

"The learned counsel contends that there was no trial and that we cannot prove that there ever was a trial committee appointed, or that Cronin was ever tried. Of course not. We do not contend that this secret committee was appointed to try Dr. Cronin. We never contended that they were appointed for the purpose of investigating Dr. Cronin or what he had read in his camp. Try Dr. Cronin? Who thought of contending that they went through the formalities of a trial? We did not, but that that committee was appointed and that it acted; and that it settled the whole matter amicably for the ex-executive body we have no doubt. The motion made by Daniel Coughlin was that a secret committee of three be appointed to inquire into and investigate the rumors afloat regarding the trial of the ex-executive body. That motion was carried.

"When we get further into the evidence you will see conclusively what the gist of that matter was. When we show you what the result of this meeting was, and how it was followed up, you will see conclusively what was meant by the resolution. We will show you by evidence that a committee was appointed, and that it acted.

"February 8 we had Martin Burke, Dan Coughlin and John Beggs at the meeting of the camp, and that 8th of February Martin Burke was appointed a committee, as shown by the record of the secretary, to pass upon the qualification of Mat Dannahy's



STATE'S ATTORNEY JOEL M LONGENECKER.

bartender, who swears to the alibi that same night. They were getting in their friends then, gentlemen. Now this was February 8, and February 16 John F. Beggs, the Senior Guardian of this camp, wrote a letter to Edward Spelman, the district member. February 17 Spelman, the district member, answered that letter, in which he says he does not know of any authority in the constitution that authorizes him to inflict penalty. Recollect, gentlemen, they are now talking about penalties. He says there is nothing in the constitution whereby he is authorized to inflict a penalty, and in this letter of Beggs to Spelman the Senior Guardian directs his attention to Cronin's camp, showing conclusively that he knew where that report was read, and showing also that he knew where it emanated from. On February 18 John F. Beggs writes to Spelman that he does not know of any authority under the written law. I will read the letters to you, gentleman, in order that you may fully understand them.

"Now, what follows? February 19 Simonds appears and rents the flat at No. 117 Clark Street, the furniture is bought, and February 20 the carpet is laid down in the Clark Street room. This was all done in February, you will remember, and the night of February 22 this man, who moved the appointment of a secret committee, and who had already begun his work as chairman of the committee, Daniel Coughlin, tells Henry Owen O'Connor that there is an enemy in the camp, and that he has it on good authority that it is Dr. Cronin, and he is a spy among them. O'Connor would not hear any more, and left him. Take all these letters, and if that committee was appointed to find why Dr. Cronin had read that report, then there was nothing to make a fuss about, but if the men there believed him to be a spy and traitor, and they wanted to kill him, then there is lots in it. Now, let's see what those letters contain."

Mr. Longenecker here read the correspondence between Beggs and Spelman produced in evidence.

"What is it that moves this Senior Guardian to say that those men who are continually stirring up agitation would find that a day would come to them of punishment? What does he mean? What does Spelman mean when he writes to him that he hoped there would be unity; that he hoped for better results, but that he was greatly disappointed and disgusted, and thanked God that his time would expire at the end of the month? Why is it that

Beggs stated that a majority of the members believed the executive innocent of the charges? Does it not show to you that Spelman and Beggs in these letters had talked about Cronin, and had talked about this whole matter? He says: 'The majority of our men believe the parties charged to be innocent of any criminal wrong, and to have the charges made continually that they are guilty creates bitterness and ill-feeling,' and that the man who makes such charges is not a friend of Irish unity. What means this talk about inflicting a penalty on Cronin, who has continually and persistently charged that these men were thieves, robbers and murderers by sending Irish patriots from this country to English prisons.

"Gentlemen, if you are not content with the proof afforded by these letters, if you are not satisfied from the evidence adduced as to what took place on the 8th of February, I direct your attention to the speeches made February 2, when Patrick McGarry made the same charges, and when Beggs stood there and said he would not submit to such charges being made in his camp, and he slapped his breast and said he thanked God that Alexander Sullivan had friends, and that he was one of them.

"Now, this occurred on the 22d of February. The Senior Guardian was then defending the Triangle. Dr. Cronin had been charging the Triangle with misappropriation of the funds—and what else? He had been charging them with worse than murder. He had been charging that they not only robbed the treasury, but that they had sent innocent men to English prisons; that they had sent men behind the bars in order to protect their own thievery. He had charged upon this Triangle, as Thomas O'Connor stated in his speech, in his minority report which he had read to his camp, the scoundrelism of these men; and here we find this Senior Guardian"—and the State's Attorney turned round and pointed to Beggs—"on the 22d of February defending them and saying that they had friends, and that he was glad to say that he was one of them. Now, gentlemen, remember that this was on the 22d of February, two days after the carpet had been nailed down in the flat of 117 Clark Street; five days after the notorious letter that the Senior Guardian had written Spelman to find out something that he knew all about—writing to this district member to investigate a matter that he knew all about.

"What else? We find that on the following meeting, on the 1st of March—it is in evidence here by Henry Owen O'Connor—

that, as ne was leaving the hall, Daniel Coughlin, the chairman of the committee, followed him into the ante-room, and said to Henry Owen O'Connor, 'There are other Le Carons here among us.' He knew how Henry Owen O'Connor's heart went out to Ireland. He knew how patriotism burned in his heart; he knew that Henry Owen O'Connor was loyal to his people. He thought by prejudicing him in that direction he would surround their action with another friend. What does he do? He says, 'It is rumored around that there is another Le Caron, and we have got it pretty straight that it is Dr. Cronin.' This was on the 1st day of March, on Friday night.

"Singular, is it not? Here on the 8th day of February, the date on which the motion was made for that committee—on the 16th of February the Senior Guardian writing about it, and on the 17th writing about it; on the 19th renting the flat; on the 20th nailing the carpet down, and on the 22d defending the Triangle, and on the 1st of March, this man who is on trial now for his life says that Dr. Cronin is a spy.

"On the night of the 3d or on the 10th—I do not care which night it was—some one in the crowd asked the Senior Guardian if the secret or private committee had reported. The Senior Guardian, with his hand uplifted, said: 'That committee reports to me alone.' That was John F. Beggs! Has that committee reported? 'That committee reports to the Senior Guardian alone.'

"Had he reference to the trial committee? Why, no. They contended that they had been urging for that committee's report; would he have made such a remark as that if it had reference to the trial committee that tried the Triangle? No, gentlemen; it had reference to this secret committee that had been appointed by John F. Beggs; and to show you that he had appointed it, on the 29th day of April, over on the South Side of this city, as is testified to by his friend Spelman, the district officer—on the 29th day of April what did he say? He said: 'That matter has all been amicably settled.' How settled? At the hour he spoke the cottage had been rented; at the hour he spoke the arrangements had been made; at the hour he spoke the sentence had been fixed; at the hour he spoke it had been 'amicably' settled—that was on the 29th day of April. Is there anything in the camp that shows it was amicably settled? Has there been a man to come here to say that they visited Dr. Cronin's camp to investigate why he read

this report? Has there been a man that dare come to the front and say that any investigation had been made—that anything had been done? No. Then why was it that this man, Beggs, said that it had been amicably settled? Because the committee had agreed that certain things had to be done, and that they would be done, and therefore there was no occasion for any further investigation. That is why he told Spelman on the 29th of April that this matter had been amicably settled. It had been.

“Following that, when he says, ‘That committee reports to me alone,’ it is no wonder he made that remark, knowing in his heart what had been done; knowing the results that were to follow, no wonder he said, ‘That committee reports to the Senior Guardian alone.’”

Judge Longenecker then described in great detail the renting of the flat at 117 Clark, the buying of the furniture, and the renting of the Carlson cottage, with which the reader is already familiar.

“I want to know why Martin Burke rented that cottage,” he continued, after showing how thoroughly that prisoner had been identified as Williams. “What explanation is there to give for its being rented? If Martin Burke rented it intending that his sister should keep house for himself and his brother, why didn’t they keep house? If Martin Burke was working at the stock-yards and even went to Joliet to work; if he worked for the city in the sewer, why did he go out to Lake View to get a house? Well, if we cannot find a reason for this by following the evidence we will give you a pretty good reason for his not occupying it. My judgment is that he ought to be compelled to live there for all the days of his life. He ought to be required to wallow in the blood that there was drawn from the veins of Dr. Cronin !

“Burke told the expressman to report at 117 Clark Street and he would be on hand. Mortensen drove up to the number given him and found Burke standing at the door. There are the two men we first see at 117 South Clark Street—Kunze, the little German, and Burke.”

“I never did,” shouted Kunze, rising from his feet and shaking his fist at the State’s Attorney.

“Burke was moving the furniture with another man,” continued Judge Longenecker.

"That is a lie," broke in Kunze again. The little German seemed very much excited, and it required all the power of Mr. Donahoe to soothe him.

"There is no attempt to prove," proceeded the State's Attorney, "that Kunze helped to move the furniture; nobody would believe that he would lift anything; but this man Burke was there to move his sister's furniture, and another man with a mustache was there to help him. They would not let the expressman go upstairs to help them.

"You can have no doubt that Martin Burke moved this furniture. Mortensen saw him two or three times afterward; saw him on Chicago Avenue, always walking on the south side of the street leading to the station, where Coughlin drew his pay for organizing a conspiracy against citizens of Chicago. It runs on now to the 24th of March, and what do we find? March 20 the cottage was rented; March 20 this man Burke moves the furniture in, which was identified by Mr. Hatfield. Something had to be done to get Dr Cronin out there. 'We have got the cottage,' said the chairman of the committee. 'Yes, I have rented it,' says Burke. 'Yes, it is near me,' says O'Sullivan. I am reasoning now from the evidence. I have a right to talk that way. Well, on the 24th of March Dan Coughlin was in Mahoney's saloon on Chicago Avenue, and was seen by Quinn and Riley talking to P. O'Sullivan near the screen. They were engaged in a whispered conversation, and afterwards came up into the crowd. Recollect that before that Patrick O'Sullivan had been charging that Dr. Cronin had been taking Deputies into the organization. Recollect that he had charged in open camp that Cronin had been taking in Deputies, and a discussion arose there between Patrick O'Sullivan and Dan Coughlin about Deputies. Then it was that this man Coughlin said, 'If a North Side Catholic doesn't keep his mouth shut he will soon be put out of the way,' or something to that effect. That was testified to by Quinn and Riley and is undisputed. This man Coughlin, whose mind was full of murder, being chairman of this committee about Cronin, and about the object of which he was talking to O'Sullivan, they having been discussing the question of how to get Cronin to the cottage, it was in his mind, and he broke out without thinking what he was saying, without thinking that the words would come back at him in future months. He says: 'A North Side Catholic, if he doesn't

keep his mouth shut, will be done away with.' Who was he referring to? Dr. Cronin had charged that the Triangle had almost ruined their organization. Dr. Cronin had charged that the man who was the friend of Coughlin was a thief and a robber. Dr. Cronin had charged that this man had thrust innocent men into prison in order to cover up his stealings. Why was Dan Coughlin thinking then of this subject? Because he and this man were discussing how they could induce Dr. Cronin to go to the Carlson cottage; because they were then planning as to how they could get him there after Martin Burke had rented the place; this I believe to be the true state of his mind at that time. I believe they talked it over in that way just as much as if I had heard it from their very lips.

"This is not all, gentleman. Something had to be done to get Dr. Cronin out to Lake View. Dan Coughlin, the schemer and originator, had put O'Sullivan into a notion of doing something that he had never thought of before. Nothing had then occurred to show that O'Sullivan would have trouble with his icemen—nothing to lead him to believe that there might be accidents and damage suits, and that he would be in need of a physician. But the idea struck him. Dan Coughlin had talked with him on the 24th. On the 29th there was a literary society organized in Lake View, and Dr. Cronin was brought up to organize it. They wanted to get him familiar with the country. They wanted to get him used to driving in that locality. What did he do? This man O'Sullivan, who was as cold as the ice on his wagons, goes to the meeting with a friend and helps to organize this Clan-na-Gael camp in Lake View. They took in Justice Mahoney, who was a candidate for office.

"Patrick O'Sullivan, with his cold, icy heart, took it all in. The idea struck him at once, 'Here are Mahoney and Dr. Cronin great friends,' and afterwards he said to Mahoney: 'Do you know Cronin well?' Mahoney said 'Yes.' 'Is he a good doctor?' asked O'Sullivan. 'Yes.' 'Will you go down and introduce me to him?' continued the iceman; 'I want to make a contract with him to treat my men.' And Mahoney said he'd do so.

"Mahoney said they didn't go down the next day. Then the election came on, and Dan Coughlin, having been in the habit of running the election, I suppose, so far as the Clan-na-Gael part is concerned, was busy. Patrick O'Sullivan, being something of a politician himself in his neighborhood, had also to attend the

election. The rent was paid for a month anyway; so they ran along until the 19th of April. If you figure that out you will find it was soon after another meeting of the Clan-na-Gael camp—soon after the committee had a chance to get together. You will find that on the 18th O'Sullivan left word with Mahoney that he would like him to go down with him to see Dr. Cronin. Mahoney, acting in good faith, met him, and they went down to Dr. Cronin's office. Now, we have the object. We have one of the members of Camp 20 renting the cottage; we have another member of Camp 20 going to make a contract with the Doctor. He goes to the office and tells the Doctor he would like to employ him to attend to his men during the ice season. You remember what the contract was. They talked about it and figured on the price, which was finally agreed as \$50 for the ice season, or seven months. The Doctor asked O'Sullivan if he had had any accidents, and O'Sullivan said no, but he didn't know what might occur—that the horses might run off and hurt somebody. Mahoney testified to this. Here is a significant fact. It was on the 19th of April that this contract was made. Now, remember that on that day Patrick O'Sullivan handed the Doctor some cards, saying, 'I may be out of town and my card will be presented to you.' This is significant when we get to another branch of this evidence. Now, he reports again to the chairman of the committee that 'the contract is made; Cronin is thrown off his guard; Mahoney went with me.' Now, to show you that he was watching what he was doing, Frank Murray tells us that on the morning of the 5th of May O'Sullivan told him that he happened to be down town and he met Mahoney, and that he wanted Mahoney to go with him to make this contract. It was an accidental meeting, he said. The committee had had a chance to meet and consult again in the meantime. The furniture was bought; it was moved into the cottage; the contract with the Doctor was made; they had it all arranged, and when Spelman comes to the city on the 29th of April, the Senior Guardian says, 'It is all amicably settled.'

"After making this contract O'Sullivan goes home and sits down to the dinner table, and the first thing he says is, 'If there is any sickness in the family I have a doctor hired,' and he tells Mrs. Whalen and all the icemen that 'I have a doctor hired. Any time you want a doctor send for him.' His contract with the Doctor was not that he should treat sick people, or treat Mrs.

Whalen, Tom Whalen and their children, and everybody in the neighborhood. The contract was not for that purpose. It was for treating injuries to his icemen. Yet he goes home and wants them to understand it right away in the house. But that is not all. He had given the Doctor a card. Something must be done. This man Coughlin, who was on the detective force for years, and who was signing the pay-roll every month — this man gave him to understand that something else must be done. Then O'Sullivan goes to work and has a new card printed in April. He gets them just before the 4th of May. It is a different card from the one he gave Dr. Cronin. He had no idea that the new card would ever land on the mantelpiece of the house where Dr. Cronin resided; he had no idea that card would ever again face him. He did not expect this, because they try to prove that he got a bunch of new cards for distribution. His idea was that if they claimed that the card was presented for the Doctor to go to his house, he could say the town was full of those cards, don't you see. He was getting a new card printed which was to be used in drawing the Doctor out there. But it was never intended to be left in the possession of Dr. Cronin. If it was, they supposed the Doctor would stick it in his pocket. O'Sullivan had no idea that any living soul would see that card thereafter. It was for a purpose, any way.

"Now we have all this arranged; we have the whole thing 'amicably settled;' that is the way in which it was to be done. We have the cottage rented, the contract with the Doctor — now it is all 'amicably settled' — just how we are going to complete the work; we don't need district officers or outside help; it is all arranged; the work will be completed.

"Now we will tell you about other things in this case before we come to the 4th of May. You will remember that in September John F. Beggs was walking down the street with Mr. O'Keefe and Mr. Flynn, and they were discussing Dr. Cronin. Beggs said Dr. Cronin was not fit to belong to the Irish cause. When you brand an Irishman as not fit to belong to the Irish cause, it means that he is a man to be held in contempt by the Irish people. Beggs gave as a reason that he had taken Dan Coughlin in without ever initiating him, and O'Keefe said he was going to investigate it. I have no doubt somebody filled up Beggs in reference to Dr. Cronin. I have no doubt somebody stood behind him telling him what a terrible man he was — that he was always

creating disturbances in the order—that somebody talked him up in this matter until he got to be Senior Guardian.

“Up to the 4th of May Dr. Cronin still lived, but all the arrangements were ‘amicably settled.’ ‘The matter I was writing to you has been amicably settled,’ wrote Beggs. I want to call your attention to another thing. You remember that about a year ago last September, about the time that Beggs was talking about Cronin not being a good Irishman, about that time Dan Coughlin was trying to get some one to ‘slug’ Dr. Cronin. Now, you must believe that statement. Here were three witnesses. They did not all swear to the same point, but all directed to the same thing that Sampson swore to.

“Now, there is more in that than you think of. When you couple it with Dan Coughlin’s expression to Dinan, ‘Don’t say anything, because I have had trouble with Dr. Cronin—because they know I am his enemy,’ it is very significant. Why did they know it? He had told Garrity he wanted to see Sampson; he told Sampson he wanted him to slug Dr. Cronin, and he had whispered into the ears of O’Connor that Cronin was a spy. He had charged in a North Side saloon that a prominent North Side Catholic would soon be destroyed. On every corner he had raised his hands against Dr. Cronin. In the lodge he moved to appoint this secret committee to investigate Dr. Cronin, and when you couple it all together it is a good piece of evidence in this case, as tending to show the direction in which Daniel Coughlin was moving at the time he uttered the words.”

Mr. Longenecker then went into the hiring of the white horse from Dinan, saying, after reciting all the circumstances:

“Now, suppose the horse was not identified at all; suppose it was a bay horse or a brown horse or any other kind of a horse than a white horse or a gray horse, and suppose these two men had come that gave the same description of the man that appeared at Dinan’s livery stable, and other witnesses identified him as the man that started away with the Doctor to treat one of O’Sullivan’s men—keep that circumstance in mind—that Patrick O’Sullivan and Dan Coughlin were seen together on the night of the 24th of March, when Patrick O’Sullivan was to make this contract, that they both belonged to the same order, and that the contract was made and O’Sullivan says: ‘My card will be presented to you if I am out of town.’ Take that circumstance, and what have you

got? You have men who identified the horse that Dan Coughlin hired; you have that man driving north on Clark Street in the direction of the Carlson cottage; you have that man presenting Patrick O'Sullivan's card and demanding the attention of the Doctor under the contract that Patrick O'Sullivan had with the Doctor, and you have them driving in the direction of the Carlson cottage. But that is not all the evidence we have on that point. Suppose that this is an ordinary horse, that cannot be identified, yet Mrs. Conklin tells you that that horse is a horse, that she remembers it not simply because it was a white horse and because it came from Dinan's livery stable, but she describes it from its uneasy motion; she remembers its legs and its knees. She says it has big knees, and Capt. Schaack says it has big knees. And Mrs. Conklin, looking out of the window on that fatal night, saw those knees. Why does she say that? The last time she saw Dr. Cronin alive he was sitting behind that horse that had knees that were wobbly. No wonder she remembers that horse, because she saw it in the same uneasy appearance that it had the night that Dr. Cronin was driven away. She identifies the horse from the knees and from the uneasy appearance, quite as much as if it was white or gray."

"They bring a man from New Jersey who stood across the street, and the only reason why he says it is not the same horse is because the horse that drove Dr. Cronin away was a gray horse and this horse of Dinan's is a white horse. Did this man who traveled all the way from New Jersey tell you what kind of knees the horse had? Did he tell you there was anything wrong with the horse that drove Dr. Cronin away? No; but he says, looking from under an electric light on the opposite side of the street, he could see that that was a gray horse with dark legs, and therefore it was not the horse that drove Dr. Cronin away. On the question of identifying the horse, here are two witnesses where they could have a good view of the horse, swear positively that that was the horse. It is true that they brought the other man who looked across the street with nothing to attract his attention to the horse as much as the man, but Mrs. Conklin could not help looking to the parties getting into the buggy.

But lay that aside; lay aside the evidence of the identification of the horse: when you gather up this chain from the 8th of February—with the renting of the flat; with the writing of the letters; with the renting of the cottage; with the removal of the furniture; with the fact that Coughlin hired the horse and that

his man was there at seven o'clock on his own time—within five minutes of the time—that he appears there with P. O'Sullivan's card in his hand—what more evidence do you want to satisfy you that the horse that drove Dr. Cronin to his death was none other than the one that Daniel Coughlin hired of Dinan?

“On the 4th of May, we find that about eight o'clock or a little after, at the Carlson cottage, a gray horse is seen coming up Ashland Avenue—the gray horse that was hired by Daniel Coughlin and that started from Dinan's livery stable northward at twenty minutes after seven o'clock. Immediately after eight o'clock the gray horse was seen coming from the north on Ashland Avenue, driven by a man whom the party could not describe. Remember that Dr. Cronin started with a satchel and with his box of splints, and with a roll of cotton; that he carried them on his lap and that he wore a slouch hat with a low crown and a brown overcoat; and that this horse and buggy that the man had seen coming north, he observed that the horse was gray. He saw the buggy turned round and a tall man get out and reach in and take something out as if it were a dark satchel, and go up the steps into the cottage, and the man in a brown coat with a high-crowned hat went into the cottage. The buggy then drove south. It was a white horse that drew it away. Here we have the white horse from Dinan's stable, seeming to start for the cottage, and here we have the white horse taking Dr. Cronin away in the buggy and a man getting out of the buggy and going up the steps into the cottage. It looks as if Providence, working in a mysterious way, designed that there should be some one to see the last steps taken by this poor man as he rushed up the steps full of life and full of hope, going in there to relieve suffering humanity. This witness heard cries from within—heard strokes and cries as if there was a fight—and pressed on. Do you have any doubt now but that Dr. Cronin was driven to the Carlson cottage? Can you as twelve men making up your minds upon the evidence have any doubt but that it was Dr. Cronin who was driven into that cottage? If not there, tell me where he was driven to?

“Well, we have him entering into the cottage. At eight o'clock a wagon was seen coming from the south, and a little man was driving and a tall man was with him, and they drove up to this cottage. This was after the work was done. This was after the deadly blows were dealt. They came driving up, and the big man got out. That was Daniel Coughlin and Kunze—the man

who drove him there was Kunze—who slapped him on the back on the 12th of April and said: ‘That is my friend.’ He is the man who drove him there. He drove off with a horse with a brown face. Again at ten o’clock Daniel Coughlin and Kunze are seen on Lincoln Avenue—Nieman’s saloon—walking in there to drown the last bit of feeling they had in wine. The little German said he would take beer, and O’Sullivan said: ‘Take wine.’ O’Sullivan’s idea was to take wine upon that occasion, and O’Sullivan and Coughlin went into the room, whispering to each other, and began making up their minds as to what they should do with the body and counseling together, while the little German was at the other end of the room. This was at eleven o’clock, within two blocks of the Carlson cottage.

“At eleven o’clock the committee of three, with the chairman sitting on the trunk, came driving along eastward on Fullerton Avenue, and at half-past eleven, a block north of Fullerton Avenue, the three men were seen with what seemed to be a carpenter’s chest, by Officer Smith, going north. They were seen by Way, the private watchman, in the morning of that fatal night; they were seen to get off the wagon; they were seen to look about the lake, and when this was discovered they said, ‘Where is the Lake Shore Drive?’ showing that they had either missed their way or missed their connection in some way, or else they were getting ready to dispose of their tool-chest or trunk. Follow that back. On their return the wagon was there, but no trunk and no tool-chest, and Officer Smith said to the other officer, ‘Why, that is the same wagon I saw going north about twelve o’clock, and here they come back on Evanston Avenue.’ Here comes back the committee of three. They came to return their sealed verdicts. Their work had been accomplished; they thought that everything was sealed from the outside world. Have you any doubt as to what was in that trunk? Have you any doubt as to who guided that wagon and directed its course? If you have any doubts, tell me who did it. Here is the evidence piling up pile upon pile. Well, the night went on. Mr. and Mrs. Conklin slept; the sun rose in the east on the 5th of May. Dr. Cronin did not appear. Frank Scanlan, the last friend who saw the Doctor when he rode away, mentioned that the Doctor said when he was asked when he would come back, ‘God knows when I will get back.’ God did not tell him when he would come back, but God above stands ready to-day to direct this prosecu-

tion aright, and to say that the men who destroyed the life of that man shall be punished for this terrible crime.

"On the 22d day of May some men who were looking after the health of the community, cleaning catch-basins in Lake View, lifted the lid of one of the basins and saw the body of a man. That body was taken out and brought to the morgue in Lake View and identified as that of Dr. Cronin. Up to this time the word had gone out. Coughlin supposed it was all right. P. O'Sullivan was on his ice wagon again and handling ice. It was the right kind of business for him to be in. Up to this time Burke was visiting his friend in Joliet and at work in a ditch, telling him that he had been working at the stock-yards. Up to the finding of this body they all thought, 'There is no danger now; our verdict is sealed and it is returned to him alone' [pointing in the direction of Beggs]. No one has a right to know except the Senior Guardian; we are in no danger. Dan Coughlin signed his pay-rolls all the same; Patrick O'Sullivan handled his ice; Burke worked in the ditch, and this body was found. It was found just half a mile from where that committee of three were seen at Edgewater—a mile south of Evanston Avenue, where they had the tool chest or trunk seen by Officer Way. One-half mile south in a catch-basin was found the body of Dr. Cronin. The wagon was seen to be empty just three-quarters of a mile from where the body was found, and the bloody trunk was found in the bushes. In the catch-basin there was cotton. In the trunk there was cotton; when Dr. Cronin left home he had in his arms cotton, and further on, just a quarter of a mile, we find that Dr. Cronin's clothes were in a sewer.

"But the cottage was not discovered on the day the body was discovered. On the night of the 22d of May Capt. Schuettler tells you that he put a guard there, and next morning he, with Capt. Wing, visited the Carlson cottage, which is almost under the doorsteps of this defendant O'Sullivan, within ten seconds' walk. They examined and they found what was said to be blood, and the floor painted over. On Sunday morning, the 5th—the morning after Wardell saw these two men enter the cottage, he saw spots of blood on the wall. They found the carpet gone, the trunk gone, the trunk strap not there, but the furniture was there. The pillows were without cases, the bureau was standing out from the wall, and there was the chair with its arm broken, and evidence of the crime having been committed there,

"In the cottage was found the key, and the learned counsel says he will show you something about that key. We shall show all there is about that key. We never pretended that it was anything but a common key. It is a common key to unlock a common lock. You remember that evidence: the lock was hanging onto the hasp, showing that they had not a key to unlock it. It does not matter whether it was a common lock or a common key or not. The key that unfastened that lock had blood upon it, and it was found in the Carlson cottage with paint upon it, or what seemed to be paint, of the same color as the paint that was upon the floor. Do you want anything else in reference to that key and lock? That was found in that cottage, and that key unlocked the lock; and that lock was on the trunk that Simonds purchased at Revell's, and which was found on the Evanston road within three-quarters of a mile of the place where the body was found, and within a quarter of a mile of the place where the clothes were found that were worn by Dr. Cronin on the night he left home.

"What other evidence do you want to show that that trunk came out of the cottage? In that trunk was found hair. I will not exhibit it; other counsel in the case may; but there was hair there, and there was a man came here, who has got bald on the hair question, and says he cannot tell human hair from dog's hair. Why a man should waste the better part of his life looking at hair, and then cannot tell one kind of hair from another, is more than I can understand. Why he should go over the country lecturing about hair and giving instructions about hair, and then, coming here to give testimony, to say that he doesn't know anything about hair, is more than I can comprehend.

"Now, take the evidence against Kunze, seen in the flat washing his feet; seen on the 4th; seen on the 10th and 12th with Dan Coughlin, drinking in a saloon, and seen with O'Sullivan, in the middle of April, riding, and seen by Mertes going to the cottage on the 4th of May, and saying to a man under the assumed name of Petowsky that he had an unoccupied house in Lake View, and he might go there and have lots of fun, and, following that, that his friend excused himself and did not go. That is Kunze. P. O'Sullivan talks to Mr. Carlson, and says to him: 'Is the cottage rented?' Then he talks about Deputies and taking them into the Brotherhood, and his card is presented while he is out of town. Then Coughlin, with his threats, with his desire to

have Cronin slugged; Coughlin's motion for the secret committee; Coughlin whispering that Cronin is a spy; Coughlin's charge to Dinan, 'Don't say anything about it, for Cronin and I are enemies;' Coughlin telling the Chief of Police, when asked about the man for whom he hired the horse and buggy, that it was Smith—all this is sufficient. The Chief asked: 'Where did you know Smith?' and Coughlin answered: 'John Ryan, of Hancock, sent him to me.' When in Winnipeg, Burke was asked to whom he wrote, and he said: 'John Ryan, of Hancock, Mich.—my friend.' Coughlin said to the Chief: 'John Ryan, of Hancock, Mich., sent him to me.'

"See the connection; see the arrangements! Take Coughlin's statement that the white horse and buggy were hired for a man named Smith. He was so anxious, so careful to tell Dinan not to say anything about it, because it might get him into trouble; yet he pretended to tell Capt. Schaack, as proved by Whalen, that he saw Smith and didn't bring him in when he had instructions to find him. He told Dinan that he had worn out the leather of his shoes hunting for Smith, and yet, when he sees this man who is drawing all this trouble upon him, he didn't even bring him to the station. Away with the Smith story!

"Martin Burke, as soon as the body is discovered, is found in Winnipeg. We find him there, under an assumed name, on his way to Europe. He is brought back, under the laws of extradition, on this charge of murder. For days and weeks before he could be removed, he put the courts to the trouble of investigating as to whether he should return or not. Martin Burke flies away from Camp 20. Martin Burke leaves his friend Coughlin, his friend O'Sullivan. He goes away from his camp off to Winnipeg. He said he had been in Hancock, Mich., working for Ryan. If Burke rented the Carlson cottage for a lawful purpose, why should he go to Winnipeg and thence to the old country? Why should he flee the State of Illinois? It is because Martin Burke moved the furniture into the Carlson cottage for an unlawful purpose. It is because Martin Burke was in the cottage and dealt the blows that put out the life of Dr. Cronin; it is because his hands were red with the blood of a human being.

"Colleran testified that Martin Burke and Coughlin were together outside of the lodge. Colleran tells you that he met him on the Sunday night after the discovery of the body, and that he

said he had been working in the stock-yards, when, in fact, he had been in Joliet."

"That was before the discovery of the body," interrupted Mr. Forrest.

"You are right," said the State's Attorney; "it was just before the discovery of the body. Well, Burke disappears. There may be something I have omitted in this matter. As I have said, the clothing was found in the sewer. Dr. Cronin's coat, his vest, his pants, Dr. Cronin's box of splints, Dr. Cronin's satchel and instruments, his cards—all were found in this sewer on the line that that wagon was driven on that fatal night. That is beyond question.

"Now, gentlemen, I have gone over the evidence as rapidly as I could, and yet, at the same time, kept it in connection as I understand it. There may be a great many things, and there are, that I have omitted; but my intention has been to keep your minds directed to the chain of circumstances. And if you want to get at this case, if you want to boil it down, if you want to write the history of the case, you are to write:

"'I contracted for medical services'—Patrick O'Sullivan. 'I contracted for the cottage'—Martin Burke. 'I contracted for the horse and buggy for my friend'—Daniel Coughlin. Then draw your line and write: 'Committee of Three.' Write again: 'I contracted for your life'—Patrick O'Sullivan. 'I contracted for the horse and buggy to drive you to death'—Dan Coughlin. 'I rented the cottage in which to strike out your life'—Martin Burke. Write again: 'The committee reports to the Senior Guardian alone.'

"Gentlemen, I have finished. I hope you will pardon me for having detained you so long. I know how anxious you are, while you may be ever so willing to sit here for weeks and months, if necessary, yet you cannot help but be anxious to be with your families. Yet, as a duty you owe to the public, as a duty you owe the defendants, as a duty to society, you must be patient until you hear what the others have to say in this important case. For three long months my associates have held up my hands; they have been with me night and day. They have encouraged me. It was necessary to have assistance in this case; able counsel as they are, it requires it. No one knows, unless he has had the experience, what it is to be left with a case of this character on his hands. No one knows, unless he has had the

experience, what it is to get at the bottom of a conspiracy of this character. Therefore, I have felt the necessity of these men who have sat by me for the last three months, and I want you, no matter what may be said, to feel that the people of the State of Illinois have as much right to demand the best talent the city affords as is due to men that come up out of the sewers. While these men are able, men of ability, men of standing, men of reputation, understand that this was a terrible crime; understand that this was a terrible conspiracy; understand that the very men, the officers of the law, who ought to have held up my hands, were divided against me; understand, that in this case, men drawing their salaries from the Police Department of our city stood in league with the men who struck out the life of Dr. Cronin. And while I compliment, not as a compliment, but as well deserved on their part, these associates of mine for their ability, don't understand that I underestimate Judge Wing, and Mr. Forrest, and Mr. Donahoe, and Mr. Foster. On the other side sit as good talent as was ever brought into a court-room. I say it without flattery, that, if these men hang for the murder, they could have asked for no better men to have defended them than the gentlemen on my left. Coming out of the sewer, coming out of the chilly ice-wagon, coming from the pay-rolls of the city, coming from the bar-room, coming from the paint brush—these men have held his honor and yourselves for over three long months; and if your verdict shall be that they hang on the scaffold, they cannot claim that they have had no time to call upon the Holy Trinity.

“Gentlemen, when you come to consider your verdict, when you come to make up your minds, when, as I believe you will do, you undertake to render a truthful verdict on the law and the evidence, I want you to remember the facts in the case. I want you to look at this mountain of evidence that we have been building up and up before you until it has risen high, until it stands out with its mountain peaks illuminated by the sunshine of truth, until all who are not blind may see that these men are the murderers of Dr. Cronin. These mountain peaks stand prominently forth. This contract of O'Sullivan's, this hiring of the buggy, this renting of the cottage, this running to Canada; all these point to the fact that these men are the guilty ones. It stands up like a mountain built of truth, as solid

as the granite hills against which the Coughlin, the Burke, the O'Sullivan, the Beggs, the Kunze alibis cannot prevail.

"I leave the matter now in your hands. I feel now that the responsibility rests with you. I put it in your hands, believing confidently, and expecting that you will do what your best judgment dictates. When you come to consider your verdict, think of the fourth day of May; think of that man gathering his little valise and instruments; think of him bringing to his bosom the cotton to relieve suffering; think of the splints in the box; think of his rushing out to the buggy; think of his crowded seat; think of him moving north to relieve suffering humanity. See him enter as a gentleman into the cottage; hear his cries of 'God' and 'Jesus' when, without giving him time to utter the other Trinity name, he was felled to the floor. Think of the wounds in his head; think of the grave in which he was placed; think of all these in making up your penalty, and may it be such a verdict as, when his honor pronounces judgment on it, that he, having an eye to God, may say: 'May the Lord have mercy on your souls.'"



CHAPTER II.

Judge Wing's Discourse—Stating the Case for Dan Coughlin—
“A Strangely Circumstantial Case”—The Famous Hull Case
Cited—A Word for the Clan-na-Gael—Daniel O'Connell and
Broad Patriotism—“St. Bartholomew's Night and the Fires
Kindled by Calvin”—A Careful Statement of the Evidence
—The Distinction between Suspicion and Proof—An Elo-
quent Plea.

JUDGE WING, who followed Judge Longenecker, was a surprise even to his friends. He is a heavy, burly man, with keen eyes and a rather austere expression, but he had not been speaking half an hour when he had the audience entirely with him. His voice was exquisitely modulated, and his matter was so excellently chosen, and so carefully worded, that his speech in every detail was a model, and, as an hostile critic in the newspaper benches put it, sufficient in itself to put him at the very front of the criminal bar in the West.

He entered into the case chiefly as it touched his client Dan Coughlin, and began his address with a frank statement of the charge against that prisoner. “It is,” he said, “that he made an agreement with the men who sit beside him, and with others, to the grand jury unknown, to kill Dr. Cronin. That is the charge in the case. To that charge has been addressed all the testimony that has been admitted here. To the establishment and refutation of that plain question there has been, what counsel who preceded me stated, a mountain of circumstances piled up before you. More than three-quarters of a hundred of Irishmen have come and contributed circumstances to that mass. Over half a hundred of our German citizens have made their contribution ; more than a quarter of a hundred of American-born people have made their contribution to that mass of circumstances. Nearly all the trades, nearly all the avocations in which men engage, have had their devotees come here before you in the last three

months and contribute their portion to this mass of proof. One farmer appeared and contributed his circumstance. Thieves have also come, and contributed their portion to this mountain of circumstances. Many physical things have been piled up before you, ranging all the way from the floor of a cottage to a tiny blood corpuscle. In this mingled mass of circumstances are the frame of a satchel, a lock and key, clothing, and locks of hair. It all has received the court's sanction, and has been labeled evidence by his honor, and it becomes us to examine it. It is all circumstantial. A strangely circumstantial case this, your honor. Aside from the fact of death, which is proved by direct and positive testimony, every other fact rests alone upon circumstances. Even the time of death, the place of death, the manner of the death, the mode by which it was accomplished, the men who committed it, the motives that guided them—every element is supported here by circumstances, and by nothing else. For a man to look at this mass of proof, and then to look into his own mind and see what he thought about it, what a murderous way of treating circumstances against men on trial for their lives. You cannot dispose of circumstances in that way. You contracted with the court and with heaven that you would try this case not upon mere belief, not upon conjecture, not upon suspicion; but that you would take these circumstances, and treat them and consider them under the rules, the well-known rules of law, which the court would announce from the bench. If suspicion is sufficient where the proof is circumstantial to condemn men, then my friend can strangle any five or ten citizens of your great city. He can easily do it, because it is the most easy thing in nature to extract suspicion from circumstances. A man, a juror, a court looks at a mountain of circumstances, and then decides the case by simply saying 'I believe it is so,' and so violates the law, violates his oath, because you cannot arrive at the truth of a case from circumstantial evidence in any such way. If you could, there would be no difference between direct and circumstantial proof."

The Judge then went into the law governing the case of circumstantial evidence:

"Now, my idea has always been, since I have given my attention to the subject, that circumstantial evidence, if it is used in the way the law points out, the way the jurors' oath directs,

the way the court's official oath directs, if it is used as the law points out, is as satisfactory a way of determining disputed facts in court—as satisfactory a class of evidence as others.”

He quoted the famous Hull case in New York, where all the circumstances pointed indisputably to the theory that Dr. Hull had killed his wife—there was motive, there were corroborative episodes, there was everything but the truth, for Dr. Hull was innocent, and the negro who had killed the woman subsequently confessed the crime.

Coming from this to the direct case against Coughlin, he said :

“ Much has been told here about the Clan-na-Gael Society. I don't know how you feel about it ; perhaps it makes but little difference, but I don't personally feel as though we ought to condemn, without remedy and without hope, a man because he cannot utterly free himself from all ties that might bind him to his native land. I am not certain that if you and I were in another country we would forget our own State of Illinois. I do not believe that the mere fact that an ocean rolled between us and our own home would entirely obliterate those tender ties that cluster around our birthplace—our country. I tell you that true Americanism, in my opinion, admits of as much thought and consideration of the destinies of other countries as of our own. Why, I remember in reading of that man that we all admire and love—Daniel O'Connell, that when, after he was elected in 1830, he was met by a committee of the Bristol party and told that if he would not associate with the Abolitionists that were opposing the slave traffic he could have twenty-seven votes upon every Irish question ; but the great Irishman made this reply : ‘ Gentlemen, God knows that I speak for the saddest people that the sun shines upon, but may my right hand forget its cunning, may my tongue cleave to the roof of my mouth if I should ever for Ireland forget the negro slave for one hour.’ That was the sentiment of the great Irishman, and his sentiment on this point was typical. The man whose patriotism is broad enough to embrace only the State in which he lives is in principle a secessionist. The man whose patriotism is only broad enough to embrace his own country is not the highest type of manhood in my opinion. I admire the sentiment of the great Irish leader when he said that not even for Ire-

land would he forget the suffering slaves. We are Protestants, gentlemen, the most of us are, as I take it ; we were born Protestants, and the fact that these men on trial are Catholics has been alluded to—it has been mentioned here. If I should allow the evil passions and prejudices that sometimes arise in me to control me, and if my brother Hynes should do the same, I would point to the massacre of St. Bartholomew's night, and he would point to the accursed fires kindled by Calvin. But if we allow our better feelings—the good angels of our nature to prevail, the kindly feelings which are rarely absent from our friend Hynes, and sometimes present in me, I hope, I would point to that period in the world's history when the hosts of barbarians came down from the north, when the light of learning and the lamp of religion was preserved by the Roman Catholic Church ; and he would point in language more complimentary than I could command to the splendid work that Protestantism has done and is doing in the cause of charity and of mankind the world over. Gentlemen, do not be led astray by prejudice or by previously formed opinions ; let us remember that the lives of these men are not to be disposed of upon any other grounds than the rules of the law of evidence which are applicable to the circumstances presented before you."

He first attacked the saloon-keeper Nieman's story, and showed how doubtful the witness himself was as to the men who had been in the saloon, and then opposed to this the positive declaration of the Hylands, who had been in the saloon the next night.

"Not that alone, gentlemen. On that particular night, it is established here, by testimony that establishes the fact as conclusively as ever testimony ever established any fact in a court, that P. O'Sullivan at that hour was under his own roof. You have not only got to doubt and disbelieve and reject the Hyland cousins, but you have also to discredit and reject all the people that live under his roof with him. Are you going to believe him to be a bad man to begin with—that he was a heartless man ? Are you going to believe, at the mere invitation of the prosecutor, that his heart is as cold as the blocks of ice that he peddles about the city ? You have been invited to believe that. It is a falsehood proved by the incidents of the trial ; it is so shown by the testimony in the record. No man with a heart of ice, as he is about to retire to his chamber, is called back to be kissed by a little child. Set

that down. We think that we are cunning and smart, and that we can look in a man's face and know all about him, but I tell you the instinct of a little child is worth all your experience, all your observation in determining a good from a bad man. No man who ever entertained murder in his heart—deliberate, willful murder, was invited to press the lips of a little child. I tell you that if a man who had it in his heart to do murder lived in your family, your little child would never ask him back, as he started to his chamber, for a good-night kiss.

“Mulcahey, Mrs. Whalen, Miss McCormick and the other members of that household told you that Patrick O’Sullivan was in his home that night of May 4th, and, being in his home, of course the circumstance fails, and fails absolutely, that the saloon-keeper spoke of. But that is not all. Before you can believe the circumstance brought in here by Nieman; before you can consider that that is established to your satisfaction, you must further believe that the officers of justice—one of them a policeman of seventeen years’ standing—have come in here and deliberately lied about it. He could not be in two saloons that evening at one and the same time. But those officers are treated as suspects; they are put on trial by the State; they are treated as badly as if they were in the prisoners’ box. If the people who were witnesses are the people who perpetrated that murder, and the prosecution is honest, why don’t they indict them and impanel a jury to try them? Try the men in the prisoners’ box for murder; insinuate and try all the witnesses who speak on their side of the case for murder! Oh! but it is only one of those things that occur where the testimony is circumstantial. Everything rests upon suspicion where the evidence is circumstantial.

“See what suspicion will do. It won’t do, when you are determining human liberty and human life, to make up your mind about a thing unless you have some reason for doing so; some pretty conclusive reason, or you are liable to err, to make a mistake that may be fatal. Now, this circumstance that this prosecutor has asked you to believe and act upon, that those men were in that saloon, is opposed by the multitude of proof that I have mentioned. If there was no proof against it at all, it is so uncertain and doubtful that, in my opinion, it possesses but little weight and should not be used. But when the household tells you that O’Sullivan was not there, when the officers tell you that Dan Coughlin was not there, and when the Hyland men come in

and tell you that they were there and explain the whole thing, why, it seems to me that even the public prosecutor of your county ought to have seen that the circumstance could not be used in any sort of fairness.

"There is another circumstance I wish to speak of that ought to be rejected by the jury, and that is the circumstance testified to by thieves, dishonest men, that Dan Coughlin some two or three years ago entertained a feeling of hostility toward Dr. Cronin, sought his injury, sought to do him bodily harm, and set this man Sampson as his agent to inflict that harm upon Cronin. Why do I say that ought to be dismissed? I say it for this reason, that no man can be certain of a thing unless his information comes from honest sources. I say it in view of the law that denies a jury the right of proceeding against his fellowman unless he proceeds upon certain and sure grounds. And how can a man be certain of a thing when the only evidence of it comes from the lips of the confessed thief?

"What are our most important interests? Life, liberty, family, honor. These and all of these the juror should be willing to stake upon the truth of his conclusions, the accuracy of his views, before he can use these conclusions against the man on trial. How much would you stake upon the truth of the man Sampson? Impudent, unblushing! He stated at the last to the counsel who examined him and frankly confessed that in the whole category of crime there was one that he was not guilty of—murder!"

Judge Wing dismissed the testimony of the milkman Mertes quickly and almost contemptuously, showing that his first story was true, and that his second was cooked out of the man's own statements and those of the detectives with whom he had talked, and the story he had told to the speaker himself of what he had seen and how he had seen it.

Next, Judge Wing took up the white horse:

"Take the testimony of Mrs. Conklin on the identification of the horse. Can you deny that it is absolutely valueless? The peculiarity that the woman described in that horse never existed in the world. You have never seen it, and perhaps each of you has seen a hundred horses where that woman has seen one. You never noticed in all your life such a peculiarity as she describes.

The owner of the horse, who has possessed it for years and years, never has noticed it. But she had to invent something. She had seen a horse and pronounced it not the horse that took the Doctor away, and she was under the necessity, if she expected anybody in the world to give the slightest credence to her story, to invent some new thing about it. And so she strikes this peculiarity by the aid of Mr. Beck. I say it is strange that this woman should, twenty days after the Doctor was taken away, discover for the first time, and for the first time mention, a peculiarity in the gait of the horse. Analyze that woman's story, and you will find it is replete with suspicious and doubtful circumstances. She is a wonderful woman. Her descriptive powers are greater in some particulars than those of my learned and good friend Mills. The adjectives with which she described the horse are something marvelous when you come to study it. She says that she made a two-minute observation of the horse alone, standing by her front window gazing down on the horse alone, before they started. Study the circumstances, study the testimony of those two young women that were there, read her own narrative, and you will see that there isn't a word of truth in them. She describes the messenger, the appearance of the riding of the Doctor and the question of the giving of his coat and satchel, and splints and batting, and the putting on of his coat, and of all the events that were transpiring there, all moving rapidly."

He then showed the probability that Budenbender's statement was true as opposed to Mrs. Conklin's, and after thoroughly discussing this phase of the case passed on to the final mistake made by the State, the introduction of Coughlin's knives as Cronin's, of which he made magnificent use, as every one noticing the faces of the jury could see.

Coming to the evidence in Camp 20, Judge Wing said:

"Let us see if there is a conspiracy here established beyond all reasonable doubt to which Daniel Coughlin is a party. They do not claim that the utterances proved, the speeches made, the declarations of the parties in the camps at the various meetings constitute any proofs of the conspiracy, except inferentially and by process of reasoning. I will tell you that that does not constitute any proof at all. Ever since I have been connected with the trying of cases in court—mostly civil cases, it is true—I never

heard presented as absurd a theory of conspiracy as the State presents to you in this case. Take it for all it is worth, give it the best application that you can in behalf of the State, solve every doubtful question in their favor, violate the rules of criminal evidence, and only require them to make the case by a preponderance of proof, and yet there is a sorry failure on their part to establish any conspiracy to commit murder. It is an unnatural and unreasonable theory to begin with. There is nothing to support it. It is true they had their factional differences. It is true that perhaps Dr. Cronin led one faction and that some other person led another; it is true that that man was disliked and despised by half his brethren in that society; it is further true that he had his friends and his idolizers in the other branch. It may be true that he was the subject of censure, that he was the object of criticism; it may be true that, a short time before he met his death, fault was found with him. But what does all that prove? Take their theory and give it the most favorable construction possible to them, and at the most it only proves that in that camp there were a number of men who disliked Cronin—a number of men who disliked his performances in his own camp, a number of men who were inclined to censure him for some supposed violation of their camp rules. That is the most that can be made of it. What kind of a camp was it? Its membership ran from one hundred up to two or three hundred. I don't know the full number. I know that the proof shows that forty men were present on the night they say this conspiracy was planned. Whoever heard of such a thing since the world began? Planned, too, they claim, under the very eyes of his best, most intimate and warmest friends. A man who is now favored by the prosecution and employed by them was on the very floor of the hall where they say this most damnable crime was first conceived. A most likely proposition! It is preposterous upon its face, unlikely in its very aspect. Who can believe it ever occurred in that way?"

Coming to the meeting in Camp 20, on Feb. 8, he said:

"This member of the profession to which I am proud to belong [pointing to Beggs] has rendered all the service he can to the State in disclosing all there was of it, and there is nothing in it beyond a suspicious circumstance, and not even that can be drawn from the matter. The prosecutor speaks of a plot to murder as if it was an ordinary occurrence in that meeting. Think

of it, a plot to commit murder! The prosecutor said it was delayed by the election, and that they would have perpetrated it earlier but for the election. Think of Coughlin postponing a murder by telephone. Just think of his telephoning to O'Sullivan and saying, 'O'Sullivan, I can't keep that engagement I made with you to kill Cronin, because I have got to peddle tickets for an alderman.' Then, think of O'Sullivan answering, 'Well, no matter, any time will do.' That is the way he treats the proposition to take life. Why, if these men had passed all their lives in crimes of the deepest dye, they could not have done the thing in the way the prosecutor treats it, and asks you to believe it was done. Make a record of that resolution which they print and say was a resolution of death. Read the record of it. It was a resolution that barely carried, I should presume from the report of the meeting. Perhaps the absence of one man there or the presence of another might have prevented it altogether. It was such a close question. Does any one believe that human life was thus disposed of in a land where there is law?

"There is another circumstance that they prove, that my client, being in the northern part of the town during the existence of a political canvass, made some remarks in a saloon that a Catholic, or a North Side Catholic, or a prominent Catholic, if he did not shut up, would get hurt. That is one of the great foundation circumstances of their case, for which they ask you to take my client's life. It was an idle remark—a disconnected and disjointed remark; it only fell upon drunken ears, and has only been related here by drunken lips, and yet they ask you to strangle a citizen upon such a thing as that. What does it refer to? No human being can tell. Suppose it referred to Cronin? Are you so constituted that you believe a man who is about to do a deed of murder would advertise it from the housetops, would disclose it in the grogshop and circulate it broadcast in the city? Who knows whom the remark referred to? There were several Catholics engaged in that contest, plenty of them; there were plenty of Deputies and plenty of Protestants, and I ask you who can say on that circumstance whom it referred to. You are not to act upon mere rumor, but the fact that you are trying them upon that indictment. There is no connection whatever between the two circumstances. The fact that a man uses that circumstance against a fellow-being is a violation of two or three well-known rules of law, for the rule is that any circumstance not inconsistent with inno-

cence must be dismissed. It does not take a very bright man to see how a man could make that remark and yet not be guilty. Why, the very man who reported it and detailed it here made a remark in the nature of a threat against John Finerty, and another remark on the subject of Catholicism, far more suspicious.

"Now there is another circumstance conclusively established here, which must be considered, and that is the circumstance testified to by some of the members of the Clan-na-Gael—a remark made by Coughlin along in March, I think it was, and if I am wrong about the dates, pardon me, for I have a good many facts to recollect. I think it was in March, however, but the circumstance of the testimony is this: That one night Daniel Coughlin said to him that information had been received in Chicago, pretty positive information, indicating that they had another spy there; that Le Caron had a confederate in Chicago—I think that is the exact language of the witness—and that the indications were that it was Dr. Cronin. Well, now, take that statement, subject it to these rules, and what do you make of it? Could he not have made that statement without being engaged in plotting the Doctor's death? Is that statement inconsistent with any rational theory of innocence? He was not alone, and does the expression of it by him then and there indicate that he is guilty of taking Dr. Cronin's life? By no manner of means. Suppose you had made the statement yourself? Suppose that I had made it? Suppose that upon my ears fell such a statement, true or false, it matters not? Suppose that I had heard these things and reported them, would that be absolutely inconsistent with any rational theory of innocence? Suppose he believed it—there is no proof that he did, but then, if he believed it, what indication is it of guilt? On the contrary, it possesses to my mind significant proof of innocence. Why, if in his heart had existed the bad design of taking the Doctor's life, do you suppose he would be making those remarks about the town? Who ever heard of a case of that sort? The remark is a peculiar one perhaps, but that is the most that can be said of it. It is not consistent with the theory of guilt, for a guilty man would not make such a remark. But an innocent man could also make the remark if a guilty man could, and all that I contend is that when that is subjected to the legal test it is one of the circumstances of this mountain of circumstances that must disappear before the rule. It won't stand."

Again, explaining Coughlin's statement to Dinan after May 4th, when the latter came over to the Chicago Avenue station to see Captain Schaack, Judge Wing said:

"Now suppose Coughlin was guilty. Could he hold in the nature of things that the livery stable keeper would become a party to the matter, that he would become an accessory after the fact, that it would be concealed and hidden, and that he would refrain from telling it? He could have no hope of concealing the matter that way, but if he was innocent, and believed, as the majority of the people, that the Doctor was not murdered at all, but had gone off on some sensational lark—suppose he believed as Judge Longenecker said he believed, when he thought that Dinan had let his friend take the white horse, does not this remark indicate that he did not know what horse he took and did not care? Yet as quick as it was suggested that Dr. Cronin had been murdered, was it not a natural thing for Dan Coughlin to say, 'Dr. Cronin and I have not been friends.' He stated it publicly, stated it openly, stated it frankly, and if he did not state it with his own lips voluntarily on that occasion there could have been no proof here from the mouth of a thief. Is not the statement he made the statement which would be made by a man who was innocent of the crime? It is not of such a character that he is incapable of any explanation upon any theory except that of guilt. That is the test. This circumstance, before you can establish it against a man, must not only be consistent with the theory of guilt, but it must be incapable of explanation on any other theory. Now, the circumstances here do not possess that quality. They might excite suspicion, and doubtless do, and doubtless did, and have, and may continue to excite suspicion, but they do not possess those requisites of legal proof that warrant a jury in condemning a man on account of them. That is what I contend. It may excite vehement suspicion. It may excite the strongest sort of suspicion, but it does not, as I remarked, furnish that substantial and clear proof, free from all serious doubt, that the law requires to warrant the condemnation of a fellow-man."

CHAPTER III.

George Ingham for the State—A Powerful Plea—"Why Was Dr. Cronin Slain? Because he was Condemned to Die!"—The Prosecution's View of Circumstantial Evidence—Conspirators and Accessories—Tracing the Plot—Kunze's Interruption—"God Knows I am Innocent"—Daniel Donahoe's Pleas for O'Sullivan and Kunze—Analyzing Motives—Mistaken Identity—What the Law Considers a Reasonable Doubt—The Presumption of Innocence—The Duty of Jurors Individually.

WITHOUT any preliminaries or explanations Mr. George Ingham, for the prosecution, took Judge Wing's place and began his speech. The speaker had prepared a striking exordium for his address—a practice still pursued by many eminent lawyers. In his early practice in criminal law Senator Voorhees is said to have kept constantly on hand a few carefully prepared openings for his addresses to juries, as well as his orations on other occasions. Mr. Ingham began the study of law in the county of Indiana where Senator Voorhees entered upon his career as one of the greatest of American orators. In opening his speech he said:

"The sanctity of human life in America is in the keeping of the juries of America. The law provides that a man guilty of murder shall be punished, but it provides no method for its own enforcement save that which is based upon the verdict of twelve men. The jury comes from the body of the county, and so it is that the peace and good order of every community is in the keeping of its own citizens. In every criminal case the jurors hold in one hand the lives of the prisoners, and to a certain extent they hold in the other hand the good name and peace of the community in which they live—a responsibility always great, but it rises in direct proportion to the enormity of the offense under investigation.

"What responsibility could be greater than that which rests upon you twelve gentlemen? On the night of May 4th Patrick Henry Cronin, a citizen of the State of Illinois, in the peace of the people, a resident of this great metropolis, living in fancied security within the very shadow of the Court-house in which you now sit, was lured from his home on a mission of mercy; fired by professional zeal and moved by the instinct of humanity, which his choice of a profession indicated, he rushed to the assistance of a suffering man. All unsuspecting, weighed down, disarmed, as it were, by the very instruments of his skill and of his mercy, he rushes into the slaughter-house prepared for his reception and is slain. And then, as though the white face of death itself were not sufficient to satiate human hatred, his body is subjected to the awful indignity and ignominy of burial in the filth of a sewer—this man to whom sacred burial in consecrated ground was a right to which he always looked forward. Gentlemen of the jury, that crime was awful in its brutality, but its brutality is not its startling feature.

"Why was Dr. Cronin slain? Because he was condemned to die. Condemned for what? For an offense unknown to the laws of the State of Illinois. Condemned, executed, by whom? By a tribunal self-constituted; a tribunal that was accuser, witness, judge and executioner at the same time; a tribunal which hides itself from the light of day, which exists upon the territory of the State to whom its members owe allegiance; a tribunal hostile to the laws of the State you are called upon to execute, and the laws of the State whose protection these defendants claim. Who would have dreamed six months ago that the thing were possible in the State of Illinois? Who can say that six months from this day it shall not be repeated in the State of Illinois? You twelve gentlemen who try this case, that is your responsibility. Your oath in this case is to well and truly try and true deliverance make between the people of the State of Illinois and these defendants—to well and truly try upon the law and the evidence.

"The evidence in this case is what is called circumstantial evidence. Judge Wing in his long and able argument before you, from the beginning to the end of it, dwelt upon the danger of circumstantial evidence. The whole of his argument was an effort to show that circumstantial evidence was dangerous. Then he said that the direct statements of witnesses ought to be received

with caution. If Judge Wing were right criminals would go free and laugh at the courts. No evidence would be worth anything."

But Mr. Ingham maintained that no law writer of note who considered the actual practice of the law, no writer except a few theorists, held any such view of circumstantial evidence as those laid down by Mr. Wing. The very best evidence was circumstantial evidence—often better than direct evidence.

Mr. Ingham referred to the case of the murder of Mrs. Hull in New York a few years ago. Judge Wing had cited the case to show that many circumstances pointed to the husband as the mur-



GEORGE INGHAM.

derer, when her real murderer was a colored man named Chastine Cox. Mr. Ingham said he had examined the case and found that Mr. Hull, the husband, was not convicted of the murder; he was not tried; that he was not even arrested. Chastine Cox, the colored servant, was arrested on circumstantial evidence, and afterward confessed the crime.

Mr. Ingham then read from the law books to show that circumstantial evidence might be stronger than any other evidence. The only thing that the jury was to consider was the plain truth.

Did these men lay unholy hands on Dr. Cronin? If they did they were guilty and must be punished. If let go on Wing's argument they might yet stand on the street corners, and boast that they had killed a British spy, and no human law could touch them. Judge Wing took up separate circumstances and considered each by itself. Anybody can take one fact and tear it to pieces. "Why," said Wing, "suppose that O'Sullivan was at that saloon at ten o'clock that night; that does not prove that he was guilty of murder!" Of course it would not. He talks about "Maj." Sampson, and asks the jury not to convict anybody on his evidence. Certainly not. Nobody ought to be convicted on the evidence of one witness. But the Sampson evidence showed the hatred of Coughlin for Cronin. He was not the only witness on that subject. He told Riley and Flynn that if a certain North Side Catholic did not keep his mouth shut he'd be done up. Coughlin himself admitted to Patrick Dinan that he was an enemy of Cronin.

Mr. Ingham explained the law governing accessories, and said that the man who struck the blow was guilty of the murder of Dr. Cronin. The man who assisted was guilty of murder. The man who sat in his office and conceived the plot was equally guilty. The law of conspiracy was another statement of the same proposition. If any one of the conspirators was in the Carlson cottage he was guilty; the man who inaugurated the crime was as guilty, even he were at home asleep or at the Chicago Avenue station or in Mat Dannahy's saloon.

Mr. Ingham then took the jury to the other end of the case, and discussed the phase of design that appeared in the acts of the prisoners. In all the testimony in the case there was evidence of an intelligent design. Take Simonds' purchases of Hatfield. Simonds rented the flat for his brother, who was going to have his eyes treated. Yet there wasn't a pillow-case on which the brother could lay his head, no linen in which to wrap his body. Simonds took the first mattress shown him, the first furniture

shown. One thing Simonds was particular about. That was a packing-trunk. He wanted a valise larger than Hatfield had, and Hatfield got him one. What did he want with them? Now, look a little later on. Dr. Cronin's body was found in a trunk identical with the one sold to Simonds. Dr. Cronin's clothes were found in a valise exactly identical with the one sold by Hatfield. Simonds had two things in his mind when he bought the furniture. He was thinking about the disposal of Dr. Cronin's body and of his clothes.

The flat at 117 Clark Street was rented. Simonds wanted a front room and would take no other. He had to take the whole flat. The reason was that across the street was the office of the man whose body was found in the trunk. The brother with the sore eyes was to be treated, and Dr. Cronin was to be called across the street. For some reason the plan failed. Perhaps if the lips of the dead could speak we could see it.

That place was rented in February. March 20, Martin Burke rented the cottage. A sewer builder getting \$1.50 a day, and a part of the time out of employment, pays the rent in advance and does not occupy the house. He lives elsewhere. He rented it for three brothers and a sister. Where are the three brothers and the sister? The broad ocean would not be too broad to traverse—mountains would not be high enough to keep them away if they were in existence. If he had these brothers and that sister they would be here to speak for him in the hour of his trouble. It was a lie from the beginning to the end. Did Burke rent the cottage to live in it? The first thing a man does when he rents a cottage in which to live is to get a table to eat on and a stove to cook on; but Burke had neither. The house rented for four or five workingmen hadn't a cup to drink out of. The front room was carpeted and some furniture put in it, but nothing was put into the kitchen. The house was not rented to live in. It was prepared for a slaughter-house.

Intelligent human design was apparent in the purchase of the

strap. It was bought to make the trunk stronger. Simonds did not get a strong enough strap the first time. The trunk was to hold a human body, and the strap must be strong.

Mr. Ingham asked why Burke rented the Carlson cottage. Because the murderers had the Cronin contract in mind. They must have their slaughter-house near where the Doctor might expect to go. That O'Sullivan knew Burke, was proved by Carlson's testimony. Carlson went to see O'Sullivan about his tenants. That was not denied. Mulcahey, O'Sullivan's sleeping companion, swore to that. Mulcahey says that O'Sullivan said he did not know Carlson's tenants; that's all he heard. But Carlson would never have inquired of O'Sullivan about Burke if he hadn't known the men were acquainted.

"Burke rented the cottage. The furniture was arranged in it. The most difficult problem was how to get the Doctor there. There is evidence in this case from which it can be inferred that for months Dr. Cronin had been in the shadow of death, and knew it. Early in the morning after his disappearance Mr. Conklin telephoned to O'Sullivan to know if the Doctor had been there. I venture to say that ninety-nine doctors out of a hundred in this city could be away from home all night on serious or emergent cases, as this was supposed to be, without exciting alarm, even in their own families. But you will remember that Mr. Conklin went early Sunday morning to Captain Schaack, and said he knew Dr. Cronin was dead, and demanded that search be made for him. He almost quarreled with Schaack about it. I can understand how Schaack regarded it. He saw nothing unusual in the Doctor's absence. And even after Conklin's explanations, he saw nothing. He was a German, and knew nothing about the violent factional and political differences in Irish secret societies. I don't blame Schaack.

"Then when Schaack refused to do anything, Conklin went to Pinkerton's agency and employed Murray, knowing that he would have to pay him out of his own pocket.

"This shows how strongly Dr. Cronin felt the dangers that hovered around him, for it was from him that the Conklins knew the danger, and drew their apprehensions.

"The conspirators knew how Dr. Cronin felt about this, too,

and their most difficult problem was to get him where he could be killed. How could he be lured—this man who walked in the shadow of suspicion? Those men who rented the flat at 117 Clark Street knew he could be led into danger by but one leading-string—that of an appeal to his professional duty. That is why that flat was rented, and the story about the brother with sore eyes was invented by Simonds. They hoped to get him up there by calling him professionally. That was the theory of O'Sullivan's contract.

"The first witness who had a conversation with O'Sullivan after the murder was Frank Murray. What does he say about it? He said he was down town near the court-house one day, and met Justice Mahoney, and asked him who was a good doctor. Mahoney recommended Dr. Cronin. O'Sullivan asked Mahoney to take him up and introduce him to the Doctor, which he did, and the contract was made. Murray went at once to Mahoney, and got the true story, and even after that O'Sullivan's story agreed with Mahoney's. What is the true story?

"As far back as March 20 the cottage was rented. Soon after that there is a meeting of Dr. Cronin's camp. Mahoney is there and O'Sullivan is there. Mahoney and the Doctor seem to be on terms of perfect friendship. O'Sullivan sees an opportunity to avert suspicion. Dan Coughlin, he knows, is Cronin's enemy. He is Coughlin's friend. If he goes to Cronin direct, the Doctor will ask him why he doesn't get some physician who is nearer. But if it is made to appear as a piece of friendship on Mahoney's part, suspicion will be averted. That's why O'Sullivan has Mahoney go up with him to the Doctor's to introduce him, although he was acquainted with the Doctor before.

"What does O'Sullivan say about this contract? That he had men in his employ who might meet with accidents. That other people might get hurt by his wagons. Yet it is in evidence that none of the men in his employ had ever been hurt, or any one else, nor any damage suits brought against him; and further, that his doctor bills for three years didn't amount to \$10.

"And note, further, that contract is that the Doctor shall come when sent for; not when called up by telephone, although the Doctor's office was five miles, and his house three and a half miles from where accidents were most likely to occur, and in case of an emergency the injured man might die before that ten miles

could be traveled by horse and buggy. O'Sullivan is to send his card, so that the Doctor may be sure. There is design in this.

"The contract is made. The place for the reception of the victim is ready. Nothing remains but to get the Doctor there. How is that done? On the afternoon of the very day Dr. Cronin disappeared, Dan Coughlin, a sworn officer of the city, went to Dinan and said, a friend of his would call for a horse and buggy that night, and to let him have it. And who does Coughlin tell Chief Hubbard this man is? That it was a man sent to him by his own brother, and John F. Ryan, from Hancock, Mich. And who is John F. Ryan? He is the man whom Burke says he was with before his arrival in Winnipeg, and the man whom he wrote to just before he was apprehended there.

"What does Dan Coughlin say to Dinan Monday morning? Dinan, although he was not allowed to say so on the stand, was evidently suspicious that everything was not right. The manner of the man who called for the horse, and the fact of a policeman in uniform calling Monday morning to inquire if the white horse was out Saturday night, convinced him that something was wrong. He doesn't go to Coughlin to ask him. He comes into the station to see Capt. Schaack, and not finding him runs across Coughlin.

"Who spoke first? Dan Coughlin. He said: 'Dinan, what's the matter? You look excited.' 'Nothing is the matter with me,' replied Dinan. 'Yes, there is,' said Coughlin; and then Dinan asked him what was meant by sending inquiries to his stable about what horses were out. Such a proceeding is contrary to the usual custom and the direct orders of Capt. Schaack. And Coughlin says: 'Don't say anything about that; it will get me into trouble if it is known that I had anything to do with it; for Cronin and I are enemies.'

"I can see how a man like Kunze, or one like Sampson, might say that. But that a man like Dan Coughlin, who had worked for years under Schaack, who knows the value of truth when an innocent man is in trouble, should say that is inexplicable except by Coughlin's guilt; except by his knowledge that at that very time Dr. Cronin's body was lying in the filth of the catch-basin. And yet Judge Wing turns to Longenecker, and asks why he hasn't brought in this man Smith. The only man in the city who could identify him, if there is such a man, is Dan Coughlin. Why didn't he bring him in? Why when he met him at Clark and Michigan streets, didn't he bring him in? I'll tell you. Though

it's not in evidence, it's a fair inference that when Dan Coughlin saw the man who got the horse he told him to skip; it was unsafe for him to stay here longer.

"The horse is hired. The man comes into the barn about seven o'clock, and asks Napier Moreland for the horse that Dan Coughlin had engaged. Moreland says he knows nothing about it, he must see Dinan. He does see Dinan, and Dinan orders Moreland to hitch up the 'old gray.' Moreland puts the harness on the gray carriage horse instead of the single gray, and Dinan directs him to hitch up the single gray. The man sees a chestnut horse being hitched up, and wants that. But Dinan says, 'No, I know where that horse is going; I don't know where you are going.' Then the man asks for the side curtains. Dinan says it will take too long to find them; that it is pretty dark already, and no one will recognize him if he doesn't want to be seen. What a man says at the time of an occurrence is often the most significant evidence. Dinan evidently suspected something. He didn't like his looks. Both he and Moreland say his slouch hat was drawn down over his eyes; he had a light or sandy mustache and a week or ten days' growth of beard; his boots were rusty. Remember, too, that this is the description that Mrs. Conklin gives and that the two McNearney girls give. The buggy leaves Dinan's stable at 7:10. It is seen driving north at a good gait across Chestnut Street. About five minutes later a buggy of exactly the same description—a three-quarters buggy, with the top up and no side curtains—stops at the Conklins'. That is just the time it would take to drive there.

"I ask you, in the name of common sense, are not those two rigs one and the same? Judge Wing says it is possible they were not. Mathematically it is possible they were not the same ones. Just as, mathematically, it is possible for a man to go to a vault or safe with a combination lock and open it the first time without knowing the combination. But no man whose valuables are locked in such a vault lies awake nights worrying for fear that possibility will happen.

"Judge Wing says this possibility throws a doubt on the identity of the two rigs. It is not a doubt. It is a mere conjecture. It is such a doubt as Judge Wing in an instruction drawn by himself in another case, and approved by the Supreme Court, says is not a doubt."

Here Mr. Ingham read from a case in the Illinois reports the instructions he had referred to, with a statement of what the law considers a reasonable doubt. The instruction concludes by saying that a reasonable doubt is not one that is conjectural or arises from misgivings or sensitiveness, but must arise out of the evidence and be in fact reasonable.

He then continued:

"In the consideration of the evidence you are to use your common sense. The technical rules governing the introduction of testimony is simply the scaffolding. They are there to prevent the introduction of extraneous matter; to determine what is evidence. The consideration of the evidence is left to the jury. They are to use their sound business judgment. Their oath does not give them rules for its consideration. It only requires them to give a truthful verdict.

"Now, if that was all the evidence, would any reasonable man doubt that there was but one horse and not two? But it is not all. Mrs. Conklin identifies it fully, and she had good reason to remember the circumstance. When the reporter Beck, whom, for some reason, I know not what, counsel has seen fit to malign, drove the horse and buggy up to Mrs. Conklin's, he left it standing in the same position the driver did. He went up and asked Mrs. Conklin to step to the window, and when she did her first exclamation was: 'Where did you get that horse?' She describes it in appearance and action, just as Dinan does, only he uses the language of horsemen, and she employs the language of one not familiar with horses. Frank Scanlan describes it in the same way. There is a reason why Mrs. Conklin should remember the circumstance. Frank Scanlan has reason to remember it. They felt the next morning that their friend had gone to his death, and the scenes of that night are indelibly photographed on their minds. They will never forget them.

"Budenbender had no reason to remember the scene. And you will remember that he says four gray horses passed there while he was watching this particular one, and every one of them had dark legs. That was because the electric light in front of the Windsor Theater cast a shadow which made them look darker from his side of the street.

"Now, where did that buggy go? It could go nowhere

except to O'Sullivan's ice house without exciting the Doctor's suspicion. The Carlson cottage is close to O'Sullivan's. A buggy was seen to stop in front of the cottage, and a tall man, in appearance a gentleman, got out, and, reaching for what looked like a satchel and a package, went up the steps and into the cottage. A cry was heard and the sounds of a struggle, and then all was quiet.

"The buggy turned round and went south. At 9:30 o'clock, or a little before, the horse and buggy are returned to Dinan's stable. The horse is wet as if it had been hard driven. The buggy is muddy. There is what is described as boulevard mud on the wheels—mud from improved streets. The driver goes out of the barn across the street to where some workmen are at work, and goes north. Soon after ten o'clock some one came into the barn and asked if Dinan's horses were all in.

"Martin Burke rented the cottage March 20. He is not seen there again until April 20, when he paid the rent, and not again until the night of the murder. Meanwhile the furniture purchased at Revell's is moved in; the bed, the mattress, the bureau, the carpet, the trunk—all is moved in. There can be no more doubt that the cottage was prepared for the butchery of Dr. Cronin than that the slaughter-houses at the stock-yards are prepared for killing animals.

"It was a cunningly devised plan. There were many more engaged in it than are here on trial. The final completion of the plan failed because, as so often happens, some of the conspirators failed to do their part. About 11:30 o'clock that night a wagon containing the trunk is seen on Fullerton Avenue, near Ashland, south of the cottage. It is seen again about twelve o'clock, on Clark Street, just north of Fullerton Avenue. That would just give them time to have gone down to the lake and to have found that the man who should have been there had failed them. For I have no doubt it was the intention to fasten a stone to the trunk and sink it in the lake. That's why Simonds wanted a long, strong strap when he bought the trunk and furniture months before. But this man had failed them, and they turned north. They are seen at one o'clock at Edgewater. And, notice, if they had been looking for the lake-shore drive to the city the two men would have been on the south side of Bryn Mawr Avenue. But the watchman says they were on the north side. The driver calls to them: 'The watchman says there is no lake-shore drive

here.' Notice it, 'the watchman says'; the two men are put on their guard.

"Turning down Evanston Avenue, they came to the catch-basin.

"Who so likely to think of the possibilities of a sewer as a hiding-place for the body as the man Burke, who had spent his life working in sewers. The body is thrown in. The trunk is broken open, for the key is in the cottage under the washstand. They drive on further, and throw the trunk into the bushes. When it is found next morning by the Germans they say there was blood in it, and that they took a stick and stirred it up. What better evidence can there be that it was blood.

"Further on they throw the valise into the manhole. This shows why Simonds bought both a trunk and a valise.

"What was the next step? Weeks afterward, by one of those providential occurrences, the clothes were found. If it were not for that we should have been met with long arguments about the dangers of identification. But the clothes are found right along the course the wagon followed, forever disposing of any argument for doubt as to identification.

"Burke is last seen in Chicago, so far as known, May 19. Next he is apprehended in Winnipeg on his way to Ireland. Why go north to the dominions of the Queen whom he hates? Flight is always an evidence of guilt. He fled because he knew he was guilty.

"These men are defended here by Mr. Forrest, whom I have known long, and who, in practice, if not in theory, believes in Lord Brougham's maxim, that a lawyer should know but one man, and that his client. Mr. Forrest would go through fire and water to serve his client. Mr. Donahoe I have known long, and know him to be both able and earnest. Judge Wing I have not known so long, but I know he is able, and, I believe, zealous. Yet these men have not been able to contradict a material point in this case. Not a single particle of the evidence to which I have called your attention is disputed or explained by any circumstance. Why? Because it is the truth.

"There are some things I will now call to your attention which are disputed. One of these is the testimony of Nieman. Nieman had just opened his saloon the day before, and therefore would be likely to remember what happened. He says that soon after ten o'clock that night, three men, one of whom he knows is

O'Sullivan, another he is pretty sure is Coughlin, and the third he thinks is Kunze, were in his saloon. One of them, in a German accent, called for beer. The others suggested wine. These three men went out together. About that time, a little after, the German gardener, Wardell, as honest a man as was ever on the witness stand, says he saw two men go north on Ashland Avenue and enter the cottage. They were Dan Coughlin and P. O'Sullivan, who were going there to help carry out the trunk containing the body. The third man, Kunze, had gone for the horse and wagon. This evidence is given by men who haven't a particle of interest in swearing to anything but the truth. How is this met? By the testimony of the two Hylands, who say they were with O'Sullivan the next night at that saloon. They thus admit that O'Sullivan was there some night about that time. But Nieman has seen one of the Hylands, and he says he never saw him in his saloon. Nieman says further that the man who called for beer spoke with a German accent. The Hylands never spoke with a German accent in the world. Besides, Nieman says that Sunday night there never were as few as three men in his saloon at one time.

"How else is this met? By the testimony of Mulcahey, who came to O'Sullivan's a total stranger in April, and slept in the same bed with O'Sullivan from the first night. Mulcahey is a very convenient witness. He testifies in O'Sullivan's behalf as to a surprising number of circumstances. Mulcahey says O'Sullivan was in bed with him at that hour. Mrs. Whalen, O'Sullivan's cousin by marriage, and his sister say O'Sullivan was in bed at that hour. I think, as between Nieman and Wardell, without any interest in the case, and Mrs. Whalen and her sister, related to O'Sullivan, and Mulcahey, his employe, it is not hard to determine which are the credible witnesses.

"What is the evidence against Kunze? He is an old friend of Dan Coughlin. He is first heard of working up a distillery case with Coughlin. I do not know how much of a detective Kunze is. He was seen at 117 Clark Street, apparently at home, washing his feet. He is identified there by young James. His connection and association with the other defendants is shown. He told a companion long before Dr. Cronin's body was found that he expected to be arrested for the murder. Why? Because he was guilty.

The Defendant Kunze—"Why, because he told me that."

Mr. Ingham (resuming)—"Because he knew the business —,"

The Defendant Kunze—"God knows I am innocent, sir."

Mr. Ingham—"Now, what is the connection between these defendants and these events? All these men, except Kunze, were members of Camp 20 to start with. Does it just happen that Coughlin hired the horse? Does it just happen that Burke hired the cottage? Judge Wing said the motive for this murder was no ordinary one. He is right. It was not personal hate; it was political hatred. It is in evidence that the second morning after the murder Dan Coughlin said he and Dr. Cronin were enemies; that if his connection with the white horse were known it would get him into trouble; and yet Dr. Cronin was not generally known to be dead at that time. When Burke took the iron box to be soldered he engaged the man who did the work in conversation, and said that Dr. Cronin was a British spy, using in connection with it an oath. O'Sullivan told Mrs. Farrar that 'they say he was a British spy and gave away the secrets of an order to which he belonged, and a man who would do that ought to be killed.'

"How did this originate? Because Dr. Cronin charged the ex-executive with embezzlement and with sending innocent men to wear away their lives in English prisons. With the truth or falsity of that charge this case has nothing to do. But history demands vindication, and by the death of Dr. Cronin those charges are proved true. In order to seal his mouth they murdered him. They covered his body with the filth of the sewer and his memory with the epithet of traitor. They slew him after branding him a traitor to nerve dupes to his murder.

"I have said all I think it necessary to say. All I ask is that you give this case a fair and earnest consideration. Satisfy your own consciences, and the rest of us will be satisfied."

Following Ingham came Daniel Donahoe, the attorney for O'Sullivan and Kunze.

Mr. Donahoe was severe on Mr. Hynes, and charged much of State's Attorney Longenecker's strong denunciation of the witnesses for the defense to the promptings of counsel hired by persons who wanted to see the prisoners persecuted. The speaker

said that George Ingham was the brainiest lawyer on the other side, and that Mills and Ingham had only done their duty as lawyers. He frequently alluded to the cheap wit of Mr. Hynes, but that gentleman did not resent it. From time to time Hynes made some pertinent or impertinent corrections of Mr. Donahoe's statements concerning the testimony, however, and the orator was sometimes considerably embarrassed by the interruptions.

Mr. Donahoe was voluminous in his citations of authority; but his citations were wonderfully apt, not only in their relation to the legal points involved, but in the language in which they were couched. If Mr. Donahoe lacks the ability to state a matter in the finest language possible, he has the power of discrimination to know when another has done it. Many of his citations were models of elegant diction. By the exercise of this discrimination he was enabled to relieve his citations from that dryness and lack of interest which in the hands of so many lawyers they always have.

When the court opened in the morning the table in front of Lawyer Donahoe was piled with law books. Bulky pads of typewritten testimony flanked the heavier ordnance, and other warlike preparations indicated that Mr. Donahoe had not come for the amusement of the jury.

"There is no duty more pleasant to the lawyer," he began, "than to defend the innocent. My heart, therefore, is as light as a bride's to-day. I come undeterred by the slurs and cheap wit that have been hurled at my clients by one of the lawyers for the prosecution."

Mr. Donahoe continued to face the jury, but his right hand got around behind him and pointed at W. J. Hynes. Mr. Donahoe asked the jury to lay aside all prejudice against his clients, and then he explained how he came to be the attorney for O'Sullivan and Kunze. The court had appointed him to defend Kunze because the defendant was without money.

Mr. Donahoe then took up the evidence against his clients,

The first circumstance to which he called attention was the testimony of young James, that Kunze slept at 117 Clark Street.

"Are you satisfied of that beyond a reasonable doubt?" asked the lawyer. "Did he drive the horse to the Carlson cottage? Did he go to Nieman's saloon? Are you satisfied beyond a reasonable doubt that these allegations are true?"

The speaker then quoted James' testimony at tedious length, and pointed out minute discrepancies in it.

"Yet on this," he exclaimed, in close imitation of Judge Wing, "you are asked to take this young man's life!"

Mr. Donahoe then asked what motive Kunze would have for killing Dr. Cronin. It did not appear in evidence that Kunze had ever heard of Dr. Cronin until after May 4. It was said that Kunze knew Daniel Coughlin. Coughlin and Kunze went to Peoria. They were seen together in Lake View. But Capt. Schaack introduced Kunze to Coughlin. They were working together in a distillery case. Nothing in their intimacy pointed to Kunze's guilt.

Mr. Longenecker said that Kunze had painted the floor. It was a wild, crazy assertion. Where was the evidence that Kunze painted the floor? Is that a fair way to treat a man who is on trial for his life? When did Kunze enter the conspiracy to kill Dr. Cronin? It was not claimed that Kunze and O'Sullivan were at the meeting of Camp 20 on the night of Feb. 8. When did they enter the conspiracy?

Mr. Donahoe thought Nieman was honest in thinking that Kunze and O'Sullivan were in his saloon Saturday night, May 4. But he was mistaken. There was no doubt that O'Sullivan was in Nieman's saloon either Saturday or Sunday night. Nieman's testimony was read through and commented on in a very disparaging manner.

Mr. Donahoe agreed with Judge Wing that in nothing was a man so liable to be mistaken as in the matter of identity.

Nieman was mistaken. So was Mertes. But it was argued that because Mertes was a German he had told the truth.

Mr. Donahoe then read from law books two instances of mistaken identity in civil cases. He told the jury of other cases that had come under his own observation, and incidentally told how two of his clients, though innocent, had been sent to the penitentiary. In each of the cases cited the witnesses had been mistaken in the identity of persons about whom they testified, and the court and jury had been deceived. From these cases Mr. Donahoe argued that Nieman and Mertes might have been mistaken. He asserted that the testimony of James was not such as warranted the jury in reaching the conclusion that Kunze was in the Clark Street flat. Mertes' testimony did not make it positive that he saw Kunze.

Mertes said he had never seen the young man before. Mertes said the man he saw was about twenty years old and had a smooth face. The lawyer ventured a guess that Kunze was more than twenty years of age, and the witness Fralich, who employed Kunze, said he had a mustache. But Mertes says he's certain the man was Kunze. He says he saw Kunze five minutes. Mertes told Mr. Wing that he could not tell whether Kunze and Coughlin were the men he saw that night. He did not know whether it was clear or cloudy. The truth was then uppermost in the man's mind. But he came into court later and told a different story.

The story of the Hylands was recalled, and the speaker insisted that O'Sullivan went to the saloon May 5. But Mr. Ingham claimed that the O'Sullivan household and the Hylands had sworn falsely. Because they were friends of O'Sullivan, was that a reason why they should swear to a lie? Mr. Ingham said it was. The State claimed that Coughlin, O'Sullivan and Kunze had just killed the Doctor and packed his body in a trunk. They then went to get a drink. They didn't drink much after committing so terrible a crime. Mr. Donahoe went over the Hylands'

testimony as well as that of the other witnesses on this point, and claimed that its preponderance was in favor of the claim of the defense that O'Sullivan was at Nieman's saloon on the night of May 5. That swept away one link of the testimony. When one link was missing in the chain of circumstantial evidence for the State the case must fail.

O'Sullivan's case then had the attorney's attention. He said that if O'Sullivan was not at home the night of May 4, all the witnesses in the O'Sullivan household had lied. The witnesses who went away from the O'Sullivan house and played cards were followed by the speaker through the minutest details of their testimony. They came home about 10:30 o'clock. They found Mulcahey and O'Sullivan there. At that hour Nieman says O'Sullivan was in his saloon. If he was not there, then Coughlin and Kunze were not there. The logic was irresistible. Three witnesses testified to the same fact. They saw Coughlin downtown. He was not in Nieman's saloon at that hour. If Coughlin was not there O'Sullivan was not there.

It was said that Kunze changed his name. It did not follow that because Kunze changed his name and earned his bread by the sweat of his brow, he was in a conspiracy to murder a man he had never heard of. Kunze did not run away. The proof showed that somebody had told him the police wanted him in connection with the Cronin murder, but he remained in town. It was said that Kunze painted the floor. The "pancake" witness testified that Kunze asked him to go up into Lake View to his mother's house, and they'd eat pancakes and have a good time. Such wild statements could not be considered; they in no way affected the guilt or innocence of Kunze.

The telephoning of Coughlin and O'Sullivan was explained by the incident sworn to by Mulcahey, when he testified that Coughlin inquired of the whereabouts of Kunze, and told O'Sullivan to telephone him if he ascertained where the young man lived.

"Is there any evidence in this case that Kunze ever knew Dr. Cronin or Burke or Beggs—that he ever talked with O'Sullivan? No. Yet Kunze is said to be in the conspiracy, and you are asked to take his life.

"Passing upon the guilt of my client, John Kunze, you must remember his connection depends upon the question of identity. The man Nieman says the three men were in his saloon about twenty minutes. He had an ample opportunity to see and know them, and yet he refuses to swear positively that it was Kunze; he would not express an opinion at all if he were not pressed to do so. On the other hand, young James, who only saw him for a short time, and then at a distance of about a hundred feet, swears positively that it was Kunze. You can see from a comparison of these two witnesses the value of such evidence as that of James. Can the identification be said to be complete on such testimony as this?"

Mr. Donahoe then read from the report of the well-known Webster case the rule as to what the law considers a reasonable doubt. Under this rule he said the jury could not convict on the doctrine of chances—that it is more probable that the defendant is guilty than that he is not. "Are you going to convict this young man on the imperfect identification made here?" asked Mr. Donahoe, "for that is all there is against him."

"The brains of the prosecution says that if you are convinced as men, you are convinced as jurors; that if, sitting at home reading the testimony, you could say you were convinced of their guilt, you can say as jurors that they are guilty. Such is not the law. If it were, why administer to you the oath? You may be convinced as men and not as jurors. You must consider the evidence under the unbending rules of law.

"Mr. Ingham asks you: 'Can you reasonably believe these men innocent under the evidence?' You have nothing to do with their innocence. You may be convinced to a moral certainty that they are not innocent, and yet, under your oaths, you must find them not guilty. The presumption of innocence must remain throughout the consideration of the case. You are not called upon to find upon any theory, reasonable or unreasonable, that these men are innocent. You are called upon to determine,

not their innocence, but their guilt; and that guilt must be established beyond a reasonable doubt."

Mr. Donahoe read a number of authorities, taken largely from the reports of the Texas Court of Appeals, to establish this proposition. He then proceeded to the duty of jurors individually in considering the case. The effect of these authorities was that each juror must act for himself; that a verdict must be the concurrence of twelve minds acting individually, and not an agreement arising from preponderating force of some minds over others, either because of superior strength or number.

"Each one of you," said Mr. Donahoe, "must act on your own conscience, your own manhood."

The question of circumstantial evidence and the law in relation to it were then discussed by Mr. Donahoe very fully. He cited a number of authorities supporting his main argument on this, which was that every circumstance in the chain of circumstances from which the jury is expected to draw the conclusion of guilt must be proved beyond a reasonable doubt. The whole case could be no stronger than its separate parts.

"To proceed from unsatisfactorily proved points," he said, "would be to reach unsound conclusions."

He warned the jurors that they must accept the testimony of witnesses as to facts, where there was great public interest in the case, with caution, and read a number of authorities to show that this was a rule laid down by more than one Supreme Court.

Continuing, Mr. Donahoe said:

"I apprehend that the contract will be considered one of the material links in the chain of circumstances. If so, it must be proved to a moral certainty—beyond a reasonable doubt—that when my client, O'Sullivan, made it, he made it with a criminal mind; that he made it to be used as a scheme or device to compass the death of Dr. Cronin.

"Mr. Ingham says these men were all members of Camp 20. Until the beginning of this trial I never knew anything about the Clan-na-Gael, and don't know now except what I have heard

in evidence here. And from that evidence it does not appear that it was an illegal organization ; it does not appear that the men who belonged to it were other than hard-working men, who earned their living by the sweat of their brows. But it isn't shown that O'Sullivan ever met Beggs ; it isn't shown that he ever met Burke except from the evidence of the old man Carlson, to which I shall refer later. But Ingham says 'they belonged to Camp 20.' Why, Capt. O'Connor, one of the props of the prosecution, although a member of Camp 20 himself, says he never met or saw O'Sullivan until after May 4. So that the mere fact of membership of Camp 20 is nothing. Yet it is said they are members of Camp 20, therefore sweep them from the face of the earth. The public prosecutor does not say so, but the man hired by the enemies of these men, themselves members of Camp 20, says that. Think of that statement from such a source."

Mr. Donahoe then dwelt at some length on the question of intent as a necessary element to crime. He read some very apt authorities on this point, concluding by saying that a criminal intent must be shown in the contract, or his client should be set free.

Then the question of motive was taken up. "It does not appear in this case," said Mr. Donahoe, "that my client O'Sullivan ever said a word against Dr. Cronin, except possibly as shown from the testimony of Mrs. Farrar, to which I shall come later. The evidence does not show that they were friendly, so far as the casual acquaintance between them permitted. The prosecution says the motive grew out of the charges made by Dr. Cronin that somebody had embezzled the funds of the order. O'Sullivan had nothing to do with that matter. That could not have been his motive. He had no other. And yet the question of motive is important. While it is not necessary to show a motive, the absence of one is suggestive."

Mr. Donahoe then began an exhaustive review of the evidence against O'Sullivan. The contract, he contended, was a perfectly innocent affair, entered into in good faith, publicly made, and publicly spoken of. If there was the conspiracy the prosecution claims, this would have been kept secret.

Of Mrs. Farrar's testimony he said that, while she was undoubtedly honest, her testimony was undoubtedly colored by the tense interest in the case she confessed she felt. On direct testimony she said O'Sullivan said of Dr. Cronin that "they said he was a British spy—that he gave away the secrets of an order to which he belonged, and got no more than he deserved." But on cross-examination she said she didn't know but what he said "the papers say" this of Dr. Cronin. But, even admitting her direct testimony to be the fact, that didn't prove nor tend to prove either O'Sullivan's guilt or his connection with the conspiracy, if there was one.

O'Sullivan's words and actions immediately after the disappearance of the Doctor and following the discovery of the body were analyzed. To Murray, the Pinkerton detective, O'Sullivan spoke freely of his contract; nay, more, he went with Murray to Justice Mahoney. He was at the Conklins' in the afternoon of May 5. When Mrs. Conklin, speaking of the contract, said: "Well, it looks pretty bad," O'Sullivan said: "Yes, it does; but I can't help it. I made the contract with Dr. Cronin, but none of my men were hurt. I didn't send for the Doctor. I don't know anything about it." "If those are the words of a guilty man," exclaimed the lawyer, "what would an innocent man have said?"

As to old man Carlson's testimony that on the day the cottage was rented Burke, or Williams, went over to where O'Sullivan was standing and said, "The cottage is rented," Mr. Donahoe said this was uncorroborated by a single witness or a single fact. Carlson, before the Coroner's jury, when the matter was fresh in his mind, said nothing about the conversation. The preponderance of the testimony of the State's witnesses was that the man Williams rented the cottage very soon after noon. The testimony of Thompson was that about 12:15 he saw O'Sullivan in McBride's office, a distance from his own home requiring an hour to go, and that O'Sullivan was there until 2:30 or 3 o'clock. Thomp-

son's evidence was supported by the entries on the books, showing the number of cars loaded with ice, the date they were received, and the date they were unloaded. McBride says O'Sullivan was at his office several times in relation to the contract for ice previous to the time the contract was reduced to writing, which was March 26. He did not remember whether he saw him on the 20th or not. This effectually disposed of Carlson's testimony about the conversation between Williams and O'Sullivan, in which it was said, "The cottage is rented." With that disposed of, there was not a scintilla of evidence to show that Burke and O'Sullivan were ever acquainted.

Of the letter signed "F. W.," received by the Carlsons May 19, Mr. Donahoe said :

"If it were not in the handwriting of any of these defendants, or any of those indicted with them, there was but one way, then, of getting it in evidence, and that was by having some one read it or speak about it to some one of the defendants. Old man Carlson, at the Coroner's inquest, said nothing about that. It was the invention of some one well versed in criminal law to have the old man swear to talking about it with P. O'Sullivan in order that it might be introduced. That conversation had no existence in fact; it was a pure invention.

"The last witness introduced against O'Sullivan was the man Clancey—fit climax to this mass of circumstances, from which you are expected to guess this man into eternity. In the morning Clancey said that he went to O'Sullivan's, and he gave the right address of Justice Mahoney, but in the afternoon he was so excited that he gave the wrong address. Yet there is no evidence that Clancey ever went to Mahoney's house or office, or knew whether he gave him the right address or not.

"Clancey talks about my client being excited, nervous and restless. If that is the test, you could convict Mr. Mills, for he is restless and nervous. Clancey says my client refused to get into the cab and go with him to the morgue. Is he to be convicted for that? He didn't know Clancey.

"I don't know whether Clancey has ever been an actor or not; he certainly acted on the stand as though he had. But a man may miss his mark by aiming too high as well as by aiming

too low. And didn't Mr. Clancey"—and here Mr. Donahoe made a criticism that was made at the time Mr. Clancey was on the stand—"didn't Mr. Clancey rather overdo the thing?

"I am about to say the last word for my clients. Their welfare is in your hands. I am satisfied that if you consider nothing but the law and the evidence you will open the prison door to these men and let them go about their business, earning their living as they have always done. I have the case of this young man Kunze, who never paid me a dollar, as much at heart as I have that of O'Sullivan, who has paid me.

"I only ask that, sitting here clothed with one of the attributes of Deity—that of judgment—you consider nothing but the law and the evidence."



CHAPTER IV.

Hynes' Address to the Jury—His Wonderful Voice—Examining the Defense—Taking Refuge in Alibis—O'Sullivan's Guilt—Where was Dan Coughlin?—Burke's Damning Flight—The Least Guilty Conspirator—A Chance for Kunze—Mat Danahy's Testimony—Why Cronin was Murdered—The Trial in the Dark—A Murderous Slander—Marshaling the Facts—An Impassioned Plea for Justice—Scenes in the Court-room.

WILLIAM J. HYNES is one of the leaders of the Chicago bar and a man known throughout the country for his eloquence and his marvelous power as a jury lawyer. Hence there was the keenest interest in his speech against the prisoners charged with contriving the death of Dr. Cronin; and long before ten o'clock on the morning of December 5th the court-room was crowded to its fullest capacity by an audience made up of representatives of every class in Chicago.

Mr. Hynes has the ideal voice of an orator. It is full, soft and musical. It is a deep bass, but finely modulated and as clear and resonant as a violin. Mr. Hynes' face, however, is not an ideal. It is full, heavy-jawed, and beefy. His eyes are uncomfortable, apparently, from the fullness below them that crowds them back under his overhanging brows. His cheeks are purple, and his neck, of the same hue, is too large and heavy to give him a poetic cast. His nose, slightly pug, broad forehead and square jaws indicate the Celtic blood in him, and his pugnacity. When angry or in the heat of argument his nose takes an extra turn upward, his brows hang lower over his furious eyes, and his face resembles that in the picture of Vulcan forging the thunderbolt. Mr. Hynes is of heroic build, and his pose dignified though not severe.

The general trend of his remarks was in the line of Mr.

Donahoe's argument. He discussed the O'Sullivan alibis and Kunze's connection with Coughlin. He frankly asserted that he thought Kunze's guilt was less in degree than that of the other prisoners. How far Kunze had been permitted to know the secrets of the conspiracy Mr. Hynes would not venture to say, but he believed Kunze was simply a tool who thought it was a great thing to be on intimate terms with a smart man like Coughlin.

Kunze looked relieved during this portion of the argument and brightened up wonderfully. He looked up through his brows at the speaker as if he were grateful that Mr. Hynes had spoken the words that probably saved him a long term in prison, if not his very life. Burke flushed and appeared anxious and frightened, but chewed gum with all his might, when his relation to the crime was related. Coughlin, O'Sullivan and Beggs seemed to pay no attention to the speech whatever.

After going over the history and development of the murderous conspiracy, covering much the same ground as that already taken by Judge Longenecker and Mr. Ingham, Mr. Hynes said:

"Feeling that they have no other defense left, and feeling that they must have failed in raising doubts in the minds of the jurors, Judge Wing at the close of his argument raises the question of the cause of Dr. Cronin's death. He asks if you believe beyond a reasonable doubt that the cause of the death was that charged in the indictment. Can there be any doubt about it? No, sirs. Does the testimony of the experts leave any doubt about that? None of the physicians say there was any other cause of death. Dr. Moyer and Dr. Andrews were asked hypothetical questions that gave nothing except the external appearances of the wounds. When I asked them if violence had occurred, if shock would have caused death, they said it would. They say: 'You show no evidence of shock.' Ah, that is true. These evidences had been wiped away in the disintegration of the brain. They had buried him in a sewer, and they now come in here and tell us there are no signs of contusion or surgical shock to the brain.

"They add to the atrocity of their crime by outrage upon

the remains of their victim, and then try to escape by telling us there is no scientific evidence of it."

Mr. Hynes then briefly discussed the expert testimony in reference to the blood-stains. The State had shown that the blood-stains did not exist in the cottage before Burke rented it; that the stains in the trunk, which evidently came from the cottage, were blood-stains; that some of the cotton taken from his home by Dr. Cronin was found in the trunk, stained with blood.

"What kind of a defense is made by these five prisoners? A defense that utterly fails, as in my judgment this defense does, is worse for the prisoners than when the State rested. You waited in mercy for them to explain away the incriminating circumstances against them. The only defense they set up is that of the commonest criminal: 'We'll get somebody to swear we weren't there.' There is not an habitual criminal in Chicago that could not set up as strong a defense—an alibi. When life is at stake good men and good women—good when measured by the ordinary standards of life—will stretch a doubt to save their friends. I don't mean to abuse all these people who swore to alibis. These witnesses of the O'Sullivan household fix the supper hour from 7 to 8:30—that is the value of an alibi. All the witnesses say that O'Sullivan came home about 5:30 o'clock Saturday evening. O'Sullivan himself says that he came home about seven o'clock. All these witnesses swore that O'Sullivan did not leave his house that Saturday night. O'Sullivan, knowing that he was out of his house that night, and after he had denied it once, afterward sent for Capt. Schaack and told him that he was out of the house that night and went to the rear of the shed. Mulcahey, also, said O'Sullivan was out of the house about eight or 8:30 o'clock that night.

"The Hylands were placed upon the stand to meet the testimony of Nieman. He said that on Saturday night O'Sullivan—no doubt about him—and a man who looked like Coughlin, and a man who talked English with a German accent, came to his place. Nieman was honest, as was shown by his hesitation to give his opinion when men's lives were at stake. The other side say he was honest. It is conceded by both sides that there was nobody else in the saloon at the time. Who is mistaken? Nieman says that at no time during that Sunday evening were there less than

fifteen persons in his place. The Germans spent this evening in social meeting. There were a number of persons that came from the ball game. On the testimony of both sides it is clear that it wasn't Sunday night that O'Sullivan was there. I trust that the Hylands meant to say that it was one of the other Sunday evenings on which they visited O'Sullivan that they went to the saloon. I like to reconcile witnesses' testimony with the truth. The witnesses said they were there other Sunday evenings. They have been persuaded to think it was this Sunday night. No, it was on Saturday night that Nieman saw these men. He was in business at the place only two weeks, and he had few Sunday nights at the place.

"If the identification of Coughlin and Kunze depended on that one meeting I would say there was a reasonable doubt about their being there. But Kettner saw Coughlin that day—May 4—in that neighborhood, with his Prince Albert coat on. The day was warm, and Coughlin had his overcoat over his arm. He saw Coughlin going in the direction of O'Sullivan's house about four o'clock. Nieman says the tall man wore a Prince Albert coat. James Hyland wore a cutaway. Where was the Prince Albert on James Hyland or the German accent in Jeremiah Hyland? Such a defense is, in my judgment, a confession of guilt.

"Why was Dan Coughlin there that afternoon? Was he in the performance of any public duty? If he was, how easy to show it!

"Now about the association of Coughlin and Kunze. They say it had some relation to some distillery business. It partly appears that they had something to do with the distillery explosion. They admit that Kunze was cognizant of some crime. Kunze claimed to know who threw the bomb. Did Coughlin know that, and get Kunze in his power? Did he have his claws on Kunze? Did he try to deal with Kunze as he did with Sampson—as a tool? If Kunze was simply the associate and satellite of Dan Coughlin in connection with the Lynch distillery, then his presence at 117 Clark Street shows Dan Coughlin's connection with the renting of those rooms.

"Now about Dan Coughlin's alibi. Mertes saw Dan Coughlin, and so vivid an impression did he receive that he recognized Coughlin in the jail when he only saw the side of his face. I don't say that this alone would be sufficient to connect Coughlin with the murder. But, so far as that is concerned, it would make

no difference whether Coughlin or O'Sullivan were in or near the Carlson cottage May 4, or whether they ever lifted a hand against Dr. Cronin; their connection with the conspiracy in its conception and arrangement makes them just as guilty as the men who struck the fatal blows. But what of Coughlin's alibi? McDonald, a police officer, knew that Dan Coughlin was suspected of complicity in the foulest and most revolting murder ever committed, but said nothing about it to Capt. Schaack or Capt. Schuettler, his successor; to Chief Hubbard, or the State's Attorney. McDonald did not go to anybody and say: 'I saw Dan Coughlin at the station at 8:30 or nine o'clock. He could not have been at the Carlson cottage.' But McDonald appears here and swears to an alibi for a fellow-member of the order. Mike Whalen finds Coughlin there at 7:30 or eight o'clock. And Stift comes along and finds Coughlin in front of the station at 9:30. Think of it. For two hours Dan Coughlin stands in front of the Chicago Avenue Station for the purpose of establishing an alibi. There he stands in the same spot until he goes into Maloney's saloon with Stift for a drink. What special duty had been assigned to him that kept him there two hours? What do you think of such an alibi? McDonald said the matter did not occur to him until two weeks afterward, when Coughlin's connection with the murder was spoken of in the papers. We showed that Coughlin's connection with the murder was not mentioned in the papers until May 25.

"I do not know whether it was the discovery of the body or of the Carlson cottage that started Martin Burke away from here. Burke told the Chief of Police and Sergt. McKinnon at Winnipeg that he had worked his way up and had stopped at the homestead of John F. Ryan. Dan Coughlin said that John F. Ryan sent Smith to him. Why did Burke give that name? He knew his man, and that this man would protect him. Dan Coughlin knew whose name to give. If John F. Ryan wants these men to escape why don't he send the man here who drove the Doctor away?"

• Mr. Hynes then took up the case of Kunze again and made some pleasant remarks for that gentleman. He said that Kunze probably thought it was a smart thing to be intimate with a smart man like Coughlin.

"That convinces me," he said, "that he was Coughlin's tool.

How much he knew of the secrets of the conspiracy I don't know. Kunze drove Coughlin to the Carlson cottage. Mertes saw him full in the face when the moon was shining directly in it. He looked sharply at Mertes, and Mertes fully identifies him.

"I do not think that Kunze is to be ranked with the others in the degree of his guilt. I don't know how far he was in this conspiracy. Guilty, certainly, but not in the same degree. Charles Carlson met a man at the cottage one night. The man spoke a German accent. He was a small man, had a small mustache. Petowsky said that Kunze spoke about an unoccupied house. What did he mean by a vacant house unless he had the Carlson cottage in mind? He asked Petowsky to go with him, but when they started Kunze appeared very drunk or sick and could not go. He probably thought he had better not risk taking another man there. Kunze was at the Clark Street flat. His presence there shows he knew of the contemplated crime, but what degree of knowledge he shared with the conspirators is for you to say.

"The law of the case," continued Mr. Hynes, "is not, as so often stated by Mr. Donahoe, and once or twice, I think, by Judge Wing, that every circumstance in this case must be absolutely proved. This is not the law. The law is that every material fact charged must be proved. The death of Dr. Cronin must be proved, and his death in the manner charged; that it was Dr. Cronin who was killed, and that these men charged with it are guilty. But in this identification that of Kunze is the perfect one. It isn't claimed that the identification of Coughlin is complete. A great many things have been proved here that, standing alone, do not prove guilt. For instance, we proved that Burke and Colleran were up at Beggs' office in February. There is nothing criminal in that. In fact, Colleran says they were there for an object which is perfectly legitimate—that of getting his influence to aid them in securing employment under the city government. But it does show acquaintance and association. So other associations are shown. There was nothing criminal in O'Sullivan, Coughlin and Kunze being together in Nieman's saloon—the mere fact of their being there. It is its connection with other things that makes it evidence of their guilt. So the fact that O'Sullivan and Kunze were seen driving together in a buggy, along in March, proves their acquaintance and association. And men who are acquainted with each other, who are friends and as-

sociates, are more likely to be engaged in a conspiracy than if they had never met.

"Then there is the telephoning between Coughlin and O'Sullivan. When O'Sullivan is asked about this by Capt. Schuettler, he at first denies it. Afterward, when denials are useless, he says it was in relation to Kunze, whom Dan Coughlin wanted to find, because he knew, or claimed to know, something about the man who threw the bomb at Schufeldt's distillery. But Officer Koch says that he first saw Coughlin and Kunze together on April 8, 9 and 10; that the two were working on the distillery case then; that Coughlin had got Kunze drunk in order to get some papers away from him. Kunze about this time left Lake View and went to live near Thirty-first Street.

"What necessity was there for telephoning about Kunze after he went to live on the South Side? But Sergt. Hoesig testifies that the telephoning was in the last few days of April, and the 1st or 2d day of May. What occasion was there for telephoning at this time after Coughlin had got into communication with Kunze? Was O'Sullivan familiar with the aliases under which Kunze was sailing? Did he know him as Krueger and Konig, and all the other names by which he went? It couldn't in the nature of things be about Kunze—at least in his relation to the distillery case—that these messages passed. Therefore O'Sullivan's answer to the officers in these particulars was not a frank one.

"But what were those messages passing between O'Sullivan and Coughlin in the latter part of April, and the 1st of May? O'Sullivan telephones for Dan to come up to his house. Coughlin says 'all right.' Those messages came between six and seven o'clock, so that Coughlin could come under the cover of the darkness. Come out to my house, says O'Sullivan. Out next to the Carlson cottage, with scarcely another house in the neighborhood. Out there to discuss the question, where they are not likely to be seen by anybody, for O'Sullivan knows the Carlsons retire early and sleep sound."

Mr. Donahoe objected to the statement that O'Sullivan knew the habits of the Carlsons, because there was no evidence of it. To this Mr. Hynes responded:

"I know there is no evidence of it, except the fact that they were neighbors, and that one neighbor would likely know such

things concerning another. I am arguing that he knew from his opportunities of knowledge.

"I don't know where Coughlin met O'Sullivan; whether it was in his house or barn, or in the Carlson cottage. I only know that O'Sullivan telephones to Coughlin to come up to his house, and Coughlin replies: 'All right.'

"Judge Wing doubts whether Mertes has fixed the right date. Mertes tells you how he fixes the date. He says that, some time after the discovery of the body and its connection with the cottage, he was talking with a woman in a grocery store. She spoke about the murder having been committed on Saturday night, May 4. 'Why, that must be the Saturday night I saw two men go in there,' exclaimed Mertes. Then he began counting back and found out that it was that Saturday night.

"But suppose it was another Saturday night. I don't care which Saturday night it was. Find a man who was in the Carlson cottage about that time, and you have one of the conspirators. Suppose it was the next Saturday night. The hammering Mertes heard may have been while they were tearing up the carpet. For you remember the testimony is that the carpet was torn up, shreds of it remaining fastened to the tacks, which were not pulled out. Or suppose it was the Saturday night before. What difference does it make? Any man who was in that cottage at any time along there is one of the murderers.

"Now the testimony of Nieman is that O'Sullivan, Coughlin and Kunze were in his saloon that night about ten or 10:30 o'clock, and that they left together. And Wardell. He says that when he was going home from Matt Young's saloon on Lincoln Avenue, going north on Ashland Avenue, when he came to Otto Street he saw two men going north to the Carlson cottage, and go in, and Wardell's thought was that the tenants of the cottage had at last moved in. This is just about the time O'Sullivan, Coughlin and Kunze were leaving Nieman's saloon.

"The next morning between seven and eight o'clock, when Wardell and his good wife were on their way to eight o'clock mass, passing in front of the cottage, he saw blood trailing along the sidewalk in the direction of the little walk that crosses the ditch into the road. That was the blood of Dr. Cronin dripping from the trunk reeking with the blood of the murdered man. Mrs. Carlson, too, saw the blood on the steps that Sunday morning,

and says she thought it was preserves that had been spilled. She also thought the tenants had moved in.

"Let me come to one thing further about Coughlin's alibi. Along toward the close of the trial it was found that one of the officers had overlooked two knives taken from Coughlin at the time of his arrest. Those knives are identified by Mr. Conklin as being in every particular like those carried by Dr. Cronin. He had the best of opportunities for knowing. One of them he himself carried for a year and a half. The other one he found and carried for some time. Both were given by him to Dr. Cronin. It occurred to Coughlin that no one would suspect him of carrying two knives of Dr. Cronin. It was being reported that Dr. Cronin had been seen in different parts of the country. Some of the newspapers, and, perhaps, more than half the public, had been led to believe that Dr. Cronin was not dead, but would turn up presently on the other side of the ocean. The word had been passed around that Dr. Cronin was a spy. Dan Coughlin himself had said so. John F. Beggs had said of him: 'Oh, he'll turn up all right.' Coughlin may have believed Dr. Cronin was a spy. I don't know whether he did or not. Burke may have believed him a spy, and O'Sullivan. I think the last two may have. But I don't believe Dan Coughlin did. I don't believe John F. Beggs did. But, anyway, the report was spread that he was, and it was doubtless believed that before the body would be found decomposition would have rendered identification impossible. Following close on the conspiracy to murder is the conspiracy to destroy the evidence of the *corpus delicti*.

"Then, besides, Mike Whalen says that Coughlin understood from Capt. Schaack that Mrs. Conklin had failed to identify the Dinan horse. Coughlin doubtless thought he was safe.

"If these knives are not those of Dr. Cronin, then I say it is one of the most remarkable coincidences in history, that the man who moved the appointment of the committee, and who hired the white horse, should be carrying two knives identical in every particular with those of the man he murdered. It is my belief, and doubtless within the knowledge of some of you, that there are in the market at least 1,000 different varieties of pocket-knives. If that is the case, the chances that any two men should carry each a single knife of exactly the same pattern, is one in a thousand. But that two men should carry two knives identical in every par-

ticular, of this the chances are one in a million. And yet they say these are not Dr. Cronin's knives !

"We have Burke's alibi, rather a pitiful one. Somebody's heart must have failed him in fixing up an alibi for poor Burke. I do not know. He is not a bad-looking man. He may be one of the best of men, or he may be one of the worst. The worst thing that can be said about Dannahy, probably, is that he would swear through a grindstone to help out a friend. He is probably one of those men who believed that Dr. Cronin was a spy, and that his taking off was, therefore, the right thing. He is probably one of those men who can flatter their consciences into the belief that perjury to help out a friend is all right. At any rate, he comes forward with an alibi. And what an alibi. Dannahy says Burke was in his saloon about 6:30 o'clock, and remained there for two hours or more. Yet Carberry says he came to that saloon about 6:30 and remained there until after 8:30 o'clock, and that Burke was not there, or Dannahy either. He fixes the date because it was while he was planning for a fishing excursion. In fact, it was in relation to that, that brought him to Dannahy's saloon.

"Hugh Gleason is called in to complement Dannahy's evidence. I never saw such a witness on the stand. Why, I thought once he was going to faint. He seemed to me like a man struggling with his conscience. He seemed like a man who wanted to tell the truth, yet thought it necessary to shield a friend. Or perhaps he had some such idea of his duty to his fellow-members of the Clan-na-Gael as Dannahy may have had. He says he left at six o'clock, and spent some time in his brother's saloon. He didn't see Burke before he left. He says he might have seen him in his brother's saloon. He doesn't see him after his return to Dannahy's between ten and eleven o'clock, to go to work again, although he had been relieved at six. He returns soon enough to see the other men who were proved to be there.

"How do they corroborate Dannahy? They call William Coughlin, now in the city's employ, who says he was formerly a saloon-keeper, but whose bartender says he is one yet. He says he went with O'Malley to Dannahy's about 6:30 o'clock and found Burke there. O'Malley says he got there about seven o'clock. O'Malley was out on a bender that evening. He had been to a funeral during the day and had stopped for refreshments at Kelly's and at Fitzgerald's, and nobody knows how many other places. He was parading himself as drunk and it isn't disputed. O'Malley

says he saw a man shaking dice with Dannahy. He doesn't know whether it was Burke or not. We prove that on that night O'Malley took a hack at 6:30 o'clock—the livery stable book shows the hour—and wasn't near Dannahy's that night. They try to offset that with the story of O'Malley's frolic ; his putting on the driver's long livery coat with its shiny brass buttons and the high hat, and the driver drunk. Yet that livery had no existence at that time, and when one is purchased, May 10th to 13th, it is a short one and has black cloth buttons and not bright brass ones. That's the alibi for Martin Burke. The men who swear to it have either perjured themselves or mistaken dates and circumstances. I hope it is the latter.

"Now, whence does this all spring? The evidence shows that for over four years, as he told the Chief of Police, Dan Coughlin was an enemy of Dr. Cronin. What the cause of his enmity was does not appear. It does appear that during those years there was a division in what was known as the United Brotherhood. Camps were organized—rival camps as Mr. Foster calls them, retaining the old name. Among these Dr. Cronin seems to have been the inspiring genius. The other faction took the name of the Irish Revolutionary Brotherhood.

"These camps retaining the old name grew out of the fact that charges were made against the executive, or 'Triangle,' as it was called, that it had embezzled the funds of the order ; had sent men to England for purposes which were resulting in still more firmly riveting on Ireland the shackles of oppression and alienating further the sympathies of civilization from their native land. On the strength of these charges honest men, believing that the time had come when these things should be exposed, had taken steps to expose them.

"They were met with the cry that corruption always raises in a party or anywhere else—that unity must be maintained ; that there must be harmony in the ranks if success is to be achieved. And many there were doubtless, as there always are, who thought unity and harmony was the only way, forgetting that the royal road is the honest and brave road ; that any cause which will not bear the shock of purification from the base elements with which it may become contaminated is not worthy of support.

"Thus there were two organizations. From both of these it appears there sprung a desire for union. One of the conditions of that union was that the ex-executive, the old Triangle, should

be tried by a committee consisting of three from each organization. Dr. Cronin was a member of the committee, and as such made a report—a minority report. He felt it his duty as a juror in that case to render an honest verdict. He felt that the truth should be made known to the members. It is in evidence that his report covered between three and four hundred pages. It was this report that Capt. O'Connor said he heard in another camp. It was on the basis of this report that Capt. O'Connor made his report to Andrew Foy. Foy, believing every other word Le Caron spoke on the stand before the Parnell Commission, was ready to take that man's word that there were four other spies in America. Capt. O'Connor replied that instead of looking for spies in their ranks they had better be looking for those who had plundered them and sent good men across the water to betray them to Scotland Yard."

Mr. Hynes then entered into a detailed argument from the testimony of the witnesses and the evidence furnished by the record of the camp that the motion for the secret committee was carried, chronologically, as it appears in the record book, after the other motions spoken of by the witness had been disposed of; after Henry Owen O'Connor had left the hall, therefore after ten o'clock, and that it was not appointed that night nor until after careful consultation. That a secret committee was appointed there could be no doubt. For on the 3d and 10th of May, it is immaterial which, in answer to an inquiry, John F. Beggs, the Senior Guardian, with a deprecatory gesture, replied that the secret committee was appointed to report to the Senior Guardian alone.

"Here is an admission of the appointment of the committee. No denial that the motion had been carried; no denial that the committee was appointed; no denial that it was a secret committee; no denial of anything save the right that anybody except the Senior Guardian had a right to know anything about, that report."

Mr. Hynes then took up the correspondence between Beggs and Spelman. From Beggs' last letter it is apparent that what he was complaining of was not the breach of discipline, if such it was,

in reading the minority report, but that the charges against the Triangle should be made or repeated. He was crying for peace, no matter what the crime, the scandal, the corruptions sought to be exposed.

"Thus it is, because nine out of ten men want peace, that rogues can keep up their nefarious scheme—can feather their nests and line their pockets.

"In these letters begging Mr. Spelman to do something—to appoint a committee who should investigate the matter—John F. Beggs was trying to get a committee appointed to whom, in case of any investigation in the order, anything that happened—the disappearance of Dr. Cronin or his death—might be referred while the secret committee of his appointment was going on with its work."

Mr. Hynes said the jury was not called to decide the truth or the falsity of these charges made by Dr. Cronin against the Triangle. But his murder proved their truth. His death and the obloquy cast on his memory were necessary to protect the reputation of the men against whom he made his charges.

"To destroy Dr. Cronin's reputation," he said, "to destroy his standing among Irishmen, to cast distrust on his verdict, that was the scheme when Simonds purchased the valise, the trunk and the furniture.

"We were discussing the position of Mr. Beggs. Evidently Mr. Foster would argue that Beggs was anxious to find out how the report of the Buffalo trial committee came to be read in one camp before it was sent to the other camps. When Officer Collins was on the stand he was asked if Beggs did not say at the meeting of Camp 20, on February 22, that he wanted peace, and asked that all feeling on the question of the Buffalo committee's report be laid aside until that committee had reported. Not only did Beggs deprecate the factional contention in the order, but he said he would have peace if it took war to get it. He denounced the men who were opening old sores and defended the Triangle.

"In his letter, deliberately written, to Edward Spelman, Beggs said: 'It is just such cases that keep us in hot water. Why will men insist on opening old sores? The majority of our friends believe the parties innocent of any wrong, and the constant charges that they are guilty create bitterness and bad feeling.

The man or men who continue to ring the 'charges are not friends of Ireland.'

"Was it not the spirit of Mr. Beggs from the opening to the close, opposition to opening old sores—opposition to the exposure, the uncovering of the old frauds of the Triangle? It was not opposition to the premature reading of the report. What did Mr. Beggs mean about the trouble going on in the order? It meant more than the acrimony of debate. It was not the heat of discussion. Of course, in writing to Spelman he did not disclose any more than he thought would induce Spelman to act. Beggs had been talking about trouble before Simonds hired the flat or bought the furniture. The trouble he spoke of was something else. He was breathing threats of trouble in his ear. Mr. Foster reminds me that he will insist that Beggs had the right to say that Dr. Cronin was not a fit man to belong to any Irish organization because Dan Coughlin had said that Dr. Cronin was admitting men into the organization without due process of initiation. Dan Coughlin was pouring into Beggs' willing ears slanders concerning Dr. Cronin—slanders from the Clan-na-Gael standpoint.

"What evidence had been adduced before this secret committee that Dr. Cronin was a spy? What evidence that he was another Le Caron? Coughlin told Harry O'Connor that word had been received that Cronin was a spy. Evidence had been presented to the committee—"

"That is not a fair argument," interrupted Mr. Foster.

"If I did not think it was fair I wouldn't make it," retorted Mr. Hynes.

"I don't say there is anything in the testimony that shows that evidence has been taken. I argue that something was being used by these men who mistook their savagery for patriotism to wreak their vengeance on the noble man who stood before them. 'Information has been received,' said Coughlin to O'Connor. Information may mean a letter, a witness, or something that would impose on these wretched dupes and lead them to take the life of Dr. Cronin; not because he was traitor to Ireland, but because he was a faithful servant of Ireland, exposing the wrong-doing of adventurers who were preying upon her. I do not know how these men had been imposed upon—if they were imposed upon. I do not know what villainous means were employed to convince them that they were dealing with a British spy. We will never

know the history of their purpose until some putrid conscience shows forth its phosphorescent light in the dark shadow of the gallows and tells the inner truth from a man on the verge of the grave.

"Jonh F. Beggs, without inquiry, wrote to Spelman that Dr. Cronin was the man who read the report. March 1—after the flat had been rented; after the trunk had been stowed away; after the valise had been laid away; while the plot for the assassination of Dr. Cronin, and the arrangement for the disposition of his clothes and body had been made—Dan Coughlin whispers in the ears of Henry O'Connor that Cronin was a spy.

"If these men had believed that Dr. Cronin was a spy they would have taken some measures to establish the fact. It wasn't because Dr. Cronin was a spy that they killed him. They wanted to prevent the exposure of their frauds.

"Now, gentlemen, I have but one other alibi to attend to. We have an alibi for the white horse sworn to by Mr. Budenbender. He says that the horse that drove Dr. Cronin away was a gray horse with dark legs. I shall not attempt to go into the details of that alibi after Mr. Ingham's discussion of it. Budenbender twice, in his testimony, changed his description of the man on the sidewalk, from Frank Scanlan to the driver, and Mr. Allison had to ask him which man he was describing. He described four gray horses with dark legs. When a man swears to anything of that kind to bolster up his memory, are you going to believe him? When he pretended to testify about all these horses, you know that he was inventing testimony; he had no recollection of it. He was asked about the light in which he saw the horse. He told Mr. Forrest that it was twilight—not quite dark—about dark. He told Mr. Ingham it was full daylight. Before he thought that the light would have any effect on the color of the horse he changed his testimony in order to make it effective. When his attention was called to the fact, he said it was daylight, though the electric lights were burning on the other side of the horse, and you know that May 4, at 7:30 o'clock, it was about dusk.

"The 10th or 11th of May Capt. Schaack, along in the afternoon or evening, drove Dinan's white horse in the rain up to Mrs. Conklin's. I do not want to question the honesty of Capt. Schaack; I do not wish to be understood as questioning his integrity; I do not question the sincerity of that call. But I think

it was because Dan Coughlin and Mike Whalen had satisfied Capt. Schaack at that time, as Whalen said, that despatches had come in that Dr. Cronin was alive, and so that Mrs. Conklin was entirely mistaken in believing that anything had befallen him. He went there anxious to satisfy his mind and her mind that the horse hired by his old friend, Dan Coughlin, was not the horse that drove Dr. Cronin away. It was just as you or I would wish to preserve our confidence in the integrity of an old friend and associate. It was just as you, under the circumstances, would have wished to satisfy yourself that a horse hired by your old friend was not the horse which drove the Doctor away under these unexplainable circumstances. So, when it was supposed that a crime had not been committed, when the dispatches were announcing the existence of Dr. Cronin, were announcing that he was alive and well, and traveling, Capt. Schaack went there, evidently for the purpose of convincing Mrs. Conklin that there was nothing in her suspicion. That was the belief in the mind of Capt. Schaack at that time. Even Capt. Schaack said that she was suspicious of him, that she acted with suspicion toward him."

After speaking of the identification of the white horse by Mrs. Conklin, Mr. Hynes went on:

"The white horse was brought out. He objected. He wanted the bay horse. Why? Because he wanted a horse of a commoner color—one not so easily detected. He had some unlawful, dark purpose and use for the horse; but he was obliged to take the white one.

"Then he went to Dr. Cronin's with a bold front. An attempt at disguise would excite the Doctor's suspicion. If his errand had miscarried he could have shaved off his mustache and let the chin whiskers grow, and he could have gone back to his friend, John F. Ryan, at Hancock, Mich, with credentials from Dan Coughlin that he had done his duty well.

"That man got to the Carlson cottage about 8:10 o'clock, Mrs. Hoertel says, and it would take about that time for him to drive out there.

"When the buggy got back it had on its wheels a certificate of a drive through Lake View—not a drive toward the stock yards, where Smith's aunt lived. They had the yellow sand of Lake View and the boulevard mud of Lincoln Park on them. Why didn't it get back until 9:30 o'clock? Where was it during

that time? Somebody in the future will tell. Murder will out. The inside history of this most devilish of crimes will some day be blazoned to the world for its horror.

"The horse was heated; it was covered with foam; it was panting, and its nostrils were blowing. It had been driven very hard. Where? Was it after the Doctor was safely landed in the trap that was laid for him? Did the driver, knowing that he would never be seen again alive, start off to see the other conspirators that were to arrange for the disposal of the body? Did he go to report that the bird had been trapped?

"Dr. Cronin disappeared the night of May 4, and, under the circumstances, it looks as though no sane man could have thought that he had not been the victim of foul play. What did O'Sullivan do? He admitted the contract. Is there another iceman in Chicago who has made a contract of this kind?

"Is there any general teaming establishment that has such a contract? There are firms that employ 1,000 men who have no such contract. O'Sullivan had only four or five men. His own doctor bill had not exceeded \$12 or \$15 a year. There is no reason why he should pay \$50 for medical services during five or six months of the ice season. The contract in itself is suspicious.

"'Would he lay a trap for the murder of his friend?' asks Donahoe. His friend! Did O'Sullivan not say that if Dr. Cronin had betrayed the Irish cause he deserved to be killed? He did not defend the memory of his friend. He was ready to accept the slanders against him. Not a word of condemnation for a murder the blackest and reddest that ever occurred on the face of the earth. His representative merely says: 'I don't know whether Dr. Cronin was a spy, and I don't care.'"

"That's right," interrupted Donahoe. "I don't care."

"No, sir; you don't care, but as an officer of the court, as a law-abiding citizen, as a member of this human family, as a Christian gentleman—I hope as a man of the common instincts of mankind, in mercy's name, in decency's name, in humanity's name, that you find somewhere within the possibilities of your character an impulse to denounce a murder so infamous as that; if you don't dare to do it with your client's retainer in your hand, just one word of condemnation, or in denunciation of the murder of a courageous, honest man, whose only fault was his honest courage—one word in condemnation of these human fiends who

enticed Dr. Cronin to the Carlson cottage on an errand of mercy and there beat out his life.

"What savagery and brutality has been palmed off for patriotism, and has brought calamity, suffering and shame to the face of the Irish people! But in all their history in the past, and in all the history they can make in the future, this will stand out as the one conspicuous monument of shame against these Irish people, and upon the reputation and character of the honorable generosity of the race. Men of the race, as a rule, sympathize with sufferers, sympathize with the weak, and it is rarely, if ever, cowardly as it was in this murder, that the honorable and courageous sentiments of the Irish character have been perverted as by this act.

"Think of this man Patrick O'Sullivan, with his knowledge, gentlemen of the jury, when he was talking with Mr. Conklin and Mrs. Conklin, and when, as he says, he was drinking with his friends, when he went to his bed at night, leaving the lamp lighted in his room; did that ghastly picture of his dead friend, head foremost in the sewer, his head beaten and battered with the blows that struck his life out, covered with blood—did the picture of that body ever haunt him when he went to bed? Did he ever dare to blow out his midnight lamp? Did the horror of that scene ever stir his soul to one moment of repentance, one qualm of conscience, to do justice to the memory of Dr. Cronin, and to do justice to the State? Did it ever occur to him, gentlemen of the jury, to clean his conscience and make a clean breast of it as a last refuge of a guilty soul?"

A perceptible shudder passed through the audience, and some persons shed tears. The delivery was dramatic and pathetic. O'Sullivan betrayed no agitation further than half closing his eyes.

"No theory has been advanced in explanation of Martin Burke's conduct. His action after the discovery of the Carlson cottage was a confession of guilt. He might as well have confessed the whole crime. As soon as the cottage was discovered he prepared to leave Chicago. Would a man going to Liverpool, not conscious of having committed a crime, go by way of Winnipeg? The first thing he does is to fly to the arms of Dan Coughlin's friend, John F. Ryan. Why did he go under the *alias* of Cooper? He went under a triangle of *aliases*, in honor of the Triangle he

was serving—Delaney, Williams, Cooper—the triangle or *aliases*. He goes to Winnipeg, and the first thing he does is to write to John F. Ryan. A few weeks before he could not pay his board at Joliet. Why was this patriotic Irishman patronizing English lines of railways instead of patronizing the lines of this country? He knew that the murder would out, and that the cold hand of justice was after him.

“Dan Coughlin did not have enough money to pay Dinan. This man Smith had not paid his bill. Who doubts that he was simply the messenger of Coughlin? Smith paid him, but he spent the money. Here is the impecunious crowd, as they would have you believe, with enough money to hire the best lawyers in Chicago. Is there no conspiracy behind them?

“For many years the cause of Ireland has suffered by reason of these charges of fraud against the Triangle. There are few Americans who do not sympathize with Ireland’s attempt to better her condition, but no rational, intelligent Irishman that does not believe that the acts of these men have been destructive to the cause of Ireland. I believe that Irish liberty ought to be sought by open and honest warfare. I would like to see home rule secured as Washington secured it, as Emmett sought it. Every one of the rash acts of the last ten years has crippled the cause of Ireland.

“Some allusion has been made by Mr. Donahoe to myself. I do not propose to refer to it, except in one respect. What possible personal motive could I have, except the motive that every citizen should be actuated by, that should control the conduct of every lawyer engaged in the prosecution of a great case like this? When invited into this case by the State’s Attorney to assist in the prosecution, was the fact that I first saw the light of day in the same land as Martin Burke going to embarrass my conduct or hinder me in the performance of my duty in any respect? A scandal to my profession and a shame and reproach to my people would I indeed be if for one moment I forgot my simple function as an American lawyer, in an American court, before an American jury, pleading for the vindication of American law! If these men, unfortunately situated as they are to-day, have any personal enemies, I do not know them. I certainly have no personal feeling. I contemplate them only with pain, only with regret, only with shame.

“I want you now, gentlemen of the jury, to take this case.

It is a great case and a serious case. There never was a greater or more serious duty devolved upon the judgment, the responsibility, of any twelve men on God's earth. Your duty is as sacred, it is as important, as the duty of the soldier who went out to fight for the flag and maintain the unity of the States and the sovereignty of the Constitution. In committing it to you, gentlemen of the jury, with all its awful solemnity, with all its awful responsibility, I do it feeling confident that in the breast of every one of these twelve men there beats the heart of an honorable, honest, patriotic and law-abiding man and citizen. I commit it to you, feeling, gentlemen, that your verdict will be the verdict of your conscience, a verdict that your conscience and judgment will approve, a verdict that the court will ratify, and that God will sanctify, and that will vindicate the law and commit the guilty to a just punishment."



CHAPTER V.

The Case for Beggs—William A. Foster Takes the Floor—Amenities between Counsel—The Clan-na-Gael not on Trial—Private Vengeance instead of Public Justice—Beggs' Life an Open Book—His Assistance to the State—"My Client is not a Fool, Tool or Dupe"—Dr. Cronin was a Dynamiter—The Election in Camp 20—A Curious Omission—Compliments for Mr. Ingham—"Don't Forget Beggs"—A Heated Debate—Beggs at the Reunion—"Tell All You Know"—An Eloquent Summary.

WILLIAM A. FOSTER, Beggs' attorney, followed Mr. Hynes, and among the many things in his speech which deserve to be remembered was the manner in which he treated Mr. Hynes' absence from the court-room during his speech. This fact of Hynes' absence was a source of disappointment and perplexity to Mr. Foster, for he had a number of things to say, and did say, to and about Mr. Hynes, which he expressed himself as not wanting to say in Mr. Hynes' absence. He justified himself, however, by declaring it wasn't his fault that Mr. Hynes was absent. Mr. Ingham only dropped in for a little while late in the afternoon. So that Judge Longenecker and Kickham Scanlan were alone in keeping watch and ward over the interests of the State.

Only once or twice did Mr. Longenecker interrupt Mr. Foster. Once he did so to object to the statement that Dr. Cronin was a dynamiter. This interruption lasted two or three minutes before Mr. Foster, at the suggestion of the court, veered the trend of his argument a little so as to avoid this particularly objectionable feature. The interruption ended in a little colloquy in which Mr. Foster said of a remark made by the State's Attorney that "it was worn threadbare, not a particle of the woof being left." "That's too bad," rejoined Mr. Longenecker, "since you

have stopped the shuttles and smokestacks in Ireland," referring to like expressions Mr. Foster had used in picturing the industrial decline of the Emerald Isle.

Mr. Foster rather got even for this sally in another part of his speech, when dwelling upon the character of the special counsel employed in behalf of the prosecution. This he addressed to the State's Attorney rather than to the jury. In it he used complimentary and flattering terms toward Mr. Longenecker, which from their connection the public prosecutor didn't know whether to accept at their face value or to discount them to the extent of receiving them as implied rebuke.

Mr. Foster's address was an eloquent one. His sentences were well balanced, his periods well rounded, and his phrases were as clear and sharp cut as new mintage. His voice is not nearly as sonorous as Mr. Hynes', but it is strong, sustained and well modulated. Of gesture he is liberal, though not prodigal, and his earnestness was demonstrated by a curious little incident. He was reading the stenographic report of the testimony of one of the witnesses in a strong, firm voice, when he came across the words in the report: "'Speak louder,' said Mr. Longenecker." Unconsciously, in the earnestness with which he was reading, he immediately raised his voice and continued the reading in a voice pitched at least a third or a fifth higher than that in which he began it.

In dealing with the causes that led to the formation of Irish secret societies, Mr. Foster managed to ring in a part of an address made by Beggs to President-elect Harrison, and a part of Mr. Harrison's reply. He dwelt on the candor Beggs had shown throughout the investigation, saying: "His life has been an open book." The only remarks Beggs ever made concerning Dr. Cronin, Mr. Foster said, were testified to by the witnesses O'Keefe and Cornelius Flynn. One of these remarks was that Dr. Cronin ought not to have been on the trial committee, which, Mr. Foster said, was true. The other was that Dr. Cronin was not a fit man

to belong to any Irish society. This, Mr. Foster said, was a proper conclusion from the information Beggs had when he made it. Of Beggs' connection with the great conspiracy, as shown by his election as Senior Guardian of Camp 20, Mr. Foster said that was the merest accident, and the circumstances of that election, so far from showing it was a part of the design of the conspiracy, showed, if anything, the very contrary. Mr. Foster said:

"The prosecution in this as in every other case has a duty to perform. In its performance of this no right-thinking citizen has a right to complain. But citizens of this State and of other States have a right to object when verdicts involving human life are returned under the influence of impassioned eloquence. When human life is taken under such influence, whether it be the influence of ingenious suppression of facts, or adroit combinations of circumstances, or by the sheer force of the prosecution, it is murder in the worst degree, in the cruelest form. The judge on the bench has responsibilities in such cases which some lawyers, and they some of the brightest ornaments of the bar, have refused to accept. The public prosecutor has grave responsibilities in such cases, and so have the attorneys for the defense. But the grave responsibility rests upon the jury. In its hands in all such cases rest the life and death of the defendants. In your hands rests the life of my client, John F. Beggs.

"However tired you are, I believe you will give me your attention while I present as I see it—as I believe it—the cause of my client.

"Dr. Cronin was murdered. A more cold-blooded, dastardly, heinous murder was never committed. But shall an innocent man be punished because of the atrocity of the crime?

"As Judge Longenecker said—and I am grateful to him for having said it—the question of whether the Clan-na-Gael society is an organization that ought not to be allowed to exist is not one for you to determine. Your oath does not bind you to determine it. Nor is the question here one of religion. John F. Beggs must be convicted of the murder of Dr. Cronin or set free. There is no question here of whether John F. Beggs is a Catholic or not; whether he is a member of the Clan-na-Gael or not. The plain question is whether John F. Beggs killed Dr. Cronin. To that question alone your oath is directed—an oath which binds the integrity of man to the throne of eternal justice—and with that I am content."

Mr. Foster said there were some things of which he complained because he had a right to complain.

"The office of State's Attorney of Cook County is one much sought after. It is an honorable office and a remunerative one. The people have called to fill that office my learned friend, Judge Longenecker. The law provides well for his remuneration. It provides him with five assistants and a stenographer, making six. It requires of him and them that every case should be fully and fairly presented to a jury. Yet when the very first arrest in this case is made, the opposition camps, as they are called—those who hate these defendants and clamor for the blood of my client—pass by the State's Attorney and his assistants, looking for their own agents. And first, out of all the 2,100 members of the bar of this county they select William J. Hynes, a man who lives in the courts—a man of matchless powers as a trial lawyer. Then they take the cool-headed Ingham, who was almost raised in criminal-court rooms, whose special business it is in every case he prosecutes to see that errors do not creep into the record. One would think this was enough. But to these they add Mills, whose fame extends far beyond the prairies of this beautiful State—Mills, the peerless orator. Upon these men is placed the heavy weight of this prosecution. State's Attorney Longenecker *requests* them to assist him. Mr. Mills makes the closing argument by request.

"It never was contemplated that verdicts should be extorted from juries by the force of eloquence. I complain of this because I fear it. The great element of hatred in this case did not misjudge the men they employed."

Next, taking up the question of the Clan-na-Gael society, this, he said, while not an issue in the case, had become an important factor in it. He pictured the desolation English tyranny had wrought in Ireland during the last century.

"Free speech being throttled, the Irish patriots gathered in secret societies. Is my client to be severely censured for following the example of that honest patriot, Pat McGarry? the example of John F. Finerty—of Matthew P. Brady—of William J. Hynes? They were members of this organization before my client was."

Mr. Foster then went into a panegyric on the loyalty to the

stars-and-stripes of the Irish-American citizens, supporting it by a number of illustrations, including an extract from an address made by Beggs on behalf of the Irish-American Republican Club to President-elect Harrison, at Indianapolis, and Mr. Harrison's reply. Proceeding, he touched on the correspondence between Beggs and Spelman.

"Of this the first intimation Mr. Longenecker had—as you have heard from his own lips—he got from my client. From the beginning to the end of this matter, John F. Beggs' life has been an open book, 'known and read of all men.' He it was who first told Judge Longenecker that he had letters from Spelman, and told him where they were and how to get them. At his request Spelman was sent for, because he had letters written by my client. There isn't a man who ever put pen to paper who has not written something which, if confronted in critical circumstances, might be his death-knell, but which, at the time and under the circumstances it was written, was perfectly innocent. If John F. Beggs had any guilty knowledge when those letters were written, would he be the one to direct attention to them? My client is not a fool; neither is he a tool or a dupe.

"The only words John F. Beggs ever said in relation to Dr. Cronin are testified to by the witnesses O'Keefe and Cornelius Flynn. They are the only words testified to; they are the only words he ever used. O'Keefe says that in the summer of 1888, right after the reunion convention, they were talking about the trial committee, and Beggs said that Dr. Cronin ought not to be a member of the trial committee. It is not disputed that Beggs said that. He said it because he thought it; he thought it because it's true. Why, the proof shows that Dr. Cronin was one of the accusers of the Triangle. We resent in the minor affairs of life the idea of an accuser acting also as judge. Beggs was right.

"Cornelius Flynn says that in that same conversation Beggs said Dr. Cronin was not a fit man to belong to any Irish society. What were the circumstances surrounding that remark? Why, Cronin had been expelled from the order; right or wrong, he had been expelled. I will grant it was a wrongful expulsion. Then he had gone to work organizing rival societies, under practically the same name and using the same number as the camp from which

he had been expelled. Now, Beggs was not a member of the order until two years after Dr. Cronin's expulsion. This looked to him, as it would look to a member of any organization, like a very reprehensible thing. But that isn't all. Flynn says that Beggs said Dan Coughlin would make an affidavit that Dr. Cronin had admitted members into the camp without initiation. On the authority he had, no wonder Beggs said Dr. Cronin was not fit to belong to any Irish society.

"When we walk the narrow streets of the city of the dead we are on sacred ground. He who would say aught but good of the dead should have good reason for speaking. With a full sense of this responsibility I shall say what I am about to say. For the words spoken by John Beggs, for which you are asked to strangle him, were said while Dr. Cronin was alive; and therefore I have a right—it is my duty—to put before you the circumstances under which they were said. There were other reasons why Beggs might have opposed Dr. Cronin. Dr. Cronin was a dynamiter."

The State's Attorney offered a vigorous protest to this, claiming not only that it was not so, but that he had offered to prove that Dr. Cronin's objection to the Triangle grew out of their dynamite policy.

"At least," continued Mr. Foster, after the interruption, "at least in his minority report, while he has censure for the Triangle because they embezzled \$100,000, he censures them because they did not spend it as they said they did, in sending men and dynamite to England, to kill and mangle innocent men, women and children. Dr. Cronin may not have been a dynamiter. The only full and accurate information on that subject attainable is from William J. Hynes, for he is a dynamiter."

Mr. Foster then proceeded to answer the argument Mr. Hynes had made against Beggs from his association with Burke. This argument Mr. Foster said was unfair. The only proof of association was that Burke and Colleran were in Beggs' office twice in January and once in February, and that they went there to get his influence to secure them employment in the city sewer department, Beggs at that time being president of the Irish-American

Republican Club, and supposed to have influence with the city administration.

Mr. Foster next showed how Beggs came to be elected Senior Guardian of Camp 20. Anthony J. Ford had been Senior Guardian for four years, and had been elected for the fifth time. He begged the camp not to compel him to serve again, and in a complimentary speech he nominated Beggs, and Beggs was elected. There was no plot in it. It was an accident. "And yet," concluded Mr. Foster, "if Mr. Beggs had not been foolish enough to be flattered by Mr. Ford into accepting that position he would be a free man to-day."

Mr. Foster then went into the curious circumstance that, after having Thomas Murphy, the treasurer of Camp 20, examined by the grand jury, and after giving his name to the defense as one of their witnesses, the State had not put him upon the stand—although, had there been a conspiracy in Camp 20, Murphy, the holder of the cash-box, must have known of it, and his books must have shown it, for the evidence proved that much money was paid out under the State's theory—and it was only by showing a conspiracy in Camp 20 that his client, John F. Beggs, could be touched.

After a searching and lengthy consideration of the testimony of the various members of the Clan-na-Gael who were introduced upon the stand, Mr. Foster declared:

"Now, gentlemen, take this record from the beginning to the end, and where is there a witness who pretends, suggests, urges or states that this matter of the appointment of a secret committee or any action in reference to the matter brought before the camp by Captain O'Connor ever came before the camp more than once. If you are going to take the knowledge and ingenuity of eloquent counsel upon which to decide the question and ignore the fact, then, not being a match for those eloquent gentlemen who preceded and discussed the question, I have nothing to say. Nothing I can say will be effective. There is the record. You know whether I have spoken the truth, and so do my friends, and if I have made a mistake I demand that they correct me."

"Dennis O'Connor claims that a committee was appointed to go to Cronin's camp," said the State's Attorney. "Here is his testimony."

"Then I have not read the record through," angrily replied Mr. Foster. "If the statement was made that a secret committee was appointed for any purpose, then I have lost my reason and don't know what I am talking about."

"The record shows that a committee was appointed to visit Cronin's lodge and investigate the matter," repeated the State's Attorney. "I don't know that he testified that it was a secret committee."

"Who denied it?" inquired Mr. Foster.

"You did," replied the State's Attorney.

"No, I did not," retorted Mr. Foster. "I have been met with suggestions that a committee was appointed by Beggs to try Cronin. I say it is a lie. No such committee was appointed, and the witness has yet to be born who will come into court and swear to the object of that committee or its appointment. It is as false as hell, unsupported by a single syllable of evidence, and I challenge the whole record to contradict my statement. I know he said that, in his judgment, the motion for the appointment of a committee was carried. I have not falsified the record nor attempted to do so; and it made me mad, cool as my nature may be, when my client's life is in jeopardy, to have men continually insinuate and interpolate to the jury in the jury-box that there is evidence that a committee was appointed to murder Dr. Cronin. No adjective in the English language known to me is sufficiently strong to express my views and sentiments when those charges are made, because they are as false as hell. I came to Chicago a stranger three years and a half ago. I was desirous of becoming acquainted with as many of the leading members of the bar as I could. I very early, by reason of my association with an important case, made the acquaintance of my then much admired and still much esteemed friend, George C. Ingham. I was told by one of the leading lawyers of Chicago that he was an honest man. That same member of the bar said to me: 'He has been a prosecutor in the Criminal Court for years, and his prosecution is honest.' He never demanded the conviction of a man who in his judgment was not guilty. He has argued this case from the beginning to the end, gentlemen, and almost forgot the name of John F. Beggs while hurling denunciations on all the other de-

fendants. You will remember he said: 'I have now about concluded what I desire to say to you,' when there was a buzz went around the counsel on the opposite side. Mr. Mills spoke to Scanlan, and he wrote out in letters as large as those on the poster, which were flaunted before my eyes as Ingham read them: 'Don't forget Beggs and the letters.'"

"That is a mistake," said Kickham Scanlan, rising. "I did not write that or anything of the kind. You are mistaken."

"If it were not a mistake it should not be commented upon, Mr. Foster," sharply remarked the court.

"Then, if you didn't write it, who did?" angrily inquired Mr. Foster. "Some one did. I saw him hand it to Ingham, and will stake my reputation and life on it."

"You are not a witness, Mr. Foster," said Judge McConnell, emphatically.

"I have done with it," replied Mr. Foster. "You will remember, gentlemen, that Mr. Ingham turned to Beggs and said: 'In this arrangement four of the defendants were members of the same organization,' and the letter of Beggs itself to the district officer shows the foreboding of danger. Did George C. Ingham ever turn to you and ask the conviction of John F. Beggs? Think of it. Did he, either by reference to the testimony or any conclusion he drew, lead you to infer that John F. Beggs, in his opinion, was guilty of any offense? George C. Ingham is an honest man. But they tell us there is another branch of this case that establishes the guilt of John F. Beggs, and I desire to call your attention to it. I stated to you yesterday that the most damaging evidence, if damaging it is, against John F. Beggs, are the letters which he wrote to Spelman and which Spelman wrote to him, and which were furnished to the State by my client Beggs. That fact you will remember I proved by putting Judge Longenecker on the stand. You will also remember that W. J. Hynes made considerable capital, or attempted to do so, in his argument about a protest being made by O'Sullivan in Camp 20 on the 8th of February relative to Deputies getting into the camp, but the proof shows that that matter did not come up in the camp until two months after. My brother Hynes knows that just as well as you know it, yet he conceals it." Mr. Foster then read and discussed the letter written by John F. Beggs to Senior Guardian Spelman, and his reply, to show that the contents of those letters were in accordance with the resolu-

tions passed by Camp 20, and continued: "You are invited to believe, gentlemen, that not only did these defendants enter into a conspiracy and take means to carry out that conspiracy, but it involved three hundred and eighty members of their camp.

"And yet these are the matters, gentlemen, that you are asked to guess at, because there is no evidence presented on the matter, and after listening to the eloquent remarks of counsel you are invited to destroy the life which God has given to my client. Are you going to destroy his life on any such guess-work proceedings? They ask you why it was he wrote that letter on the very day that a man went to Revell's to buy furniture for the flats. We will never know why it happened thus. Millions of men do millions of things at about the same time, and because two things happen as a coincidence is that any reason why we should take my client out to the jail yard and strangle him?"

Discussing the reunion meeting on the 22nd of February, Mr. Foster said

"Oh, but they say Beggs put his hand upon his breast and said: 'Alexander Sullivan has friends in this house, and I am one of them.' I guess that he did say that. I haven't any doubt, gentlemen, but what he said that. I have no doubt but John F. Beggs, in his disgust at the language that had been used after he had pleaded so long and earnestly for unity, felt like defending any man that might be assailed.

"Hang him because he is a friend of Alexander Sullivan! I do not know whether he is a friend of Alexander Sullivan or not! I do know that Alexander Sullivan has been arrested in this case; I do know that he has been discharged under the evidence by one of the ablest and oldest jurists that sits upon the bench in this city; I do know his case has been presented to the grand jury and the bill ignored; I do know that the bond under which he was required to answer was released and he is a free man. Now, in the name of conscience—in the name of Heaven—will they ask you to convict my client because he is the friend of another man, they despise, but against whom they cannot prove any criminal act? Hang him for his friends!

"Now, there is another matter, gentlemen, to which I desire to call your attention. I can imagine that an Irishman, with all the hardships of his father in his mind, and all the hardships to which he has been subjected, might feel as if he could take a dag-

ger and plunge it in the heart of a British spy, and then kneel down before his God and ask a blessing of the Divinity upon him. But John F. Beggs never believed that Dr. Cronin was a British spy. John F. Beggs is not deserving of mercy if he stood at the head of that cruel conspiracy to effect Dr. Cronin's murder. No words of condemnation, no thought of pity, not one syllable would I say in his behalf were he guilty of this atrocious, cold-blooded murder, because John F. Beggs is the dupe of no man. He is the tool of no man. He stands forth responsible for his acts, without a mitigating circumstance if he is guilty. Therefore, I say to you, gentlemen, in all candor and sincerity, you must either destroy the life of John F. Beggs or else you must turn him free.

"Are you opposed to the execution of the death penalty? You and each one of you have sworn that you were not. Are you waiting for a murder more atrocious? In the name of Heaven, when do you expect to hear of one? I am talking sense now. I am appealing to your reason and your judgment. If John F. Beggs is guilty, John F. Beggs must die. Shame to the verdict, shame to the verdict, I say, which, under the circumstances surrounding this case, would say, 'We will not torture our minds and we have not the moral turpitude to hang a man upon this evidence, but, by guessing and imagining and speculating that he might be guilty, we will give him a term in the penitentiary upon general principles and upon speculation.' Shame to such a verdict as that. Humanity can stand no such outrage perpetrated upon her citizens. I said yesterday that the conduct of John F. Beggs had been an open book before you. Why, when the organization of the Coroner's jury was effected, one of the members of Camp 20, Captain Thomas O'Connor, rushed to Beggs, as the highest officer in the camp, and said: 'How about the secrets of the organization? I have been subpoenaed as a witness.' What was his reply? Was it concealment? Captain O'Connor, the most prejudiced witness in this case against my client, the man who has more feeling than any other man against my client, is compelled by truth to say that John F. Beggs said: 'Tell everything you know.'

"Where was the concealment then? When the men who are interested in the prosecution of the murder of Cronin, when the men who have devoted the energies of their lives to the prosecution of these defendants, the finding out, the spying out and determining of the guilty parties, go to the Senior Guardian, and

say : 'What shall we do when summoned before the officers of the law in regard to the secrets of the society ?' they are met with the prompt response : 'Tell everything you know.' No concealment. No covering. No destruction of records. 'Tell everything you know.'

"How was it with Luke Dillon, who came from Philadelphia, interested in the prosecution of this case, going home, whining like a sick child, squealing like a stuck pig, because the investigation was going too far, and giving to the public the secrets of the organization. But Beggs says : 'Tell everything you know.'

"Gentleman, my client has already suffered too much in this case. He is ruined. A young man who has blossomed out in a noble profession is forever ruined. It requires but a charge of this kind, it matters not what your verdict may be, and the stain is fastened upon his skirts, and there it must stay forever. He has already suffered too much. I have no peroration to make. I demand your cool, deliberate judgment, and that is all I ask. I make no appeal to your sympathy. On behalf of myself, and on behalf of Beggs, and of my associates, I extend to you thanks for the kind and patient manner in which you have listened to the testimony and listened to my efforts at an argument.

"I hope the time is short when he will be able to thank each one of you, to take each one of you by the hand and in person thank you for his deliverance, and then may you be returned to the loved ones at home, and may he be returned to the bosom of his loved wife, for love makes the world so small that all the beauty is in one face, all the music in one voice and all the rapture is in one kiss. Gentlemen, I thank you."

CHAPTER VI.

The Last Word for the Prisoners—Forrest's Wonderful Address—An Ingenious and Forcible Plea—"The Jury is Bound to Acquit"—The Law of Reasonable Doubt—Whose was the Hidden Hand?—Suspiciously Prodigious Memories—The Futility of Expert Evidence—As to Mrs. Hoertel—"F. W.'s" Handwriting—Coughlin and Kunze—Mrs. Conklin's Mistakes—A Motiveless Crime—An Appeal for Burke—"No Peroration Have I"—"Do Your Duty."

AND now was to come the last word for the prisoners. Mr. Forrest began his speech on Saturday and ended it on Wednesday, December 11th. From the first to the last he held the attention of the jury with an attraction that never wavered, by the sheer force and ingenuity of his argument. His address was admirably planned, both in its scope and in its details. In a general way he followed the same design that Judge Wing and Mr. Donahoe did. He sought to raise a reasonable doubt. But he went further than they. Judge Wing had especially directed his efforts, in the main, to showing that, taken for all that was claimed for it, still the State's evidence left a reasonable doubt. Mr. Forrest went into the details of that evidence to show that a great deal of it was valueless, more of it was untrustworthy, and almost all of it should be received with caution. He appealed to the jury to acquit, not because of a lingering suspicion or suggestion that the defendants might not be guilty, but to acquit because the evidence, considered in the light of the tests prescribed by the law, absolutely failed to prove them guilty, and therefore the jury was bound by their oath to acquit.

The first part of his speech was an explanation of the law of reasonable doubt, and criticising the case as presented by the State, and comparing it with the work of the defense. That of

the defense, he said, was the analytic method—the method adopted by the truthseekers in every department of inquiry. The State, ignoring analysis, considered everything together, and where evidence failed supplied conjecture or assumption.

Next he examined the indictment, which alleges that death was caused by the violence of blows on the head, face and body, and death must be proved to have occurred in that way and no other.



WILLIAM S. FORREST.

From this he proceeded to show that the proof utterly failed to establish the exact cause of death, and that, therefore, the jury must acquit. The allegation of the cause of death as due to violence, instead of, as the truth is, by means unknown, he said, was a blunder on the part of the State's Attorney for which the jurors were not responsible and to correct which they were not called on to violate their oaths—to leap beyond the evidence and assume a cause of death when the witnesses could find none.

Following his treatment of the evidence in regard to the cause of death, Mr. Forrest took up the evidence in regard to the

route taken by the wagon on the night of May 4, containing the trunk and the three men. With a big map held up before the jury by Mr. Donahoe and Judge Longenecker he pointed out the points at which the wagon was seen and their relation to the location of the Carlson cottage.

The evidence showed that the wagon was first seen on Fullerton Avenue, near Cooper Street, one of the witnesses testifying that it came from across the railroad tracks beyond Clybourn Avenue. From this he argued that if it had come from the Carlson cottage a route had been taken leading through unpaved streets and a thickly settled district, where policemen were numerous, and the chances of being seen greatly increased, and, withal, a circuitous route instead of a shorter one over better streets and through a thinly settled neighborhood. He argued that, to conclude that the horse and wagon seen by the officers on that night came from the Carlson cottage, the jury must assume the object of the men on the wagon was to ride around all night and increase the chances of being caught.

The trunk was brought in, and Mr. Forrest contended from the appearance of the lock that it never was kicked or broken open from the outside; for, if it had been, the hasp would have been bent or the lock torn off, leaving the indentations in the wood on the lower side of the lock. As a matter of fact, as Mr. Forrest showed, the hasp was not bent, nor were there indentations as indicated. On the other hand, there were marks indicating that the lock had been pried off.

The statement made by Lord Brougham on the trial of Queen Caroline, that in making up a plot "that might put an honest man's life in danger or ruin the reputation of an illustrious princess" but one witness should be called to a single fact, and another to a confirmatory fact—this, Mr. Forrest broadly hinted, was what had been done in this case, and referred to the fact that but one witness ever heard Dan Coughlin, Burke or O'Sullivan say Cronin was a spy. But one witness heard Williams say to

O'Sullivan that "the cottage is rented." But one witness saw a trunk in the Carlson cottage. And so on through a long list of important matters. As to those facts testified to by a number of witnesses—as, for instance, the description of the man who drove the white horse—Mr. Forrest criticised the evidence because the witnesses agreed even in the language they used in the minutest details. As to this evidence he quoted the statement, from "Taylor on Evidence," "Essential truth under circumstantial variety."

"Those who differ with me on the subject of circumstantial evidence," said Mr. Forrest, "say 'witnesses may lie, but facts cannot.' Like all maxims, it is only a half-truth. The inference to be drawn from facts takes its color from the preconceived notions of those who draw the inferences. Thus when the barbarians saw a viper fasten on St. Paul's hand, they said he was a robber. But when they saw no harm come to him they said surely he is a God. Both inferences were wrong. And Lenox, Macduff and other chieftains erroneously assumed first that the grooms had murdered the king because their hands and faces were all covered with blood, and so were the daggers; and next that they were suborned by the king's two sons, who had stolen away and fled. They were guilty, therefore they had fled; they had fled, therefore they were guilty. Thus they reasoned in a circle.

"Why should I read to you cases showing the unreliability of circumstantial evidence? You have seen it demonstrated right here in this case. The State's Attorney in his opening told you that on May 6 Martin Burke entered a tinshop with a tin box which he had carefully soldered; that that box undoubtedly contained Dr. Cronin's clothes, which were to be sent to England and there placed on a corpse to be afterward identified as that of Dr. Cronin. The circumstances seemed to prove it. That was the theory not only of the State's Attorney but of the whole world. And yet by mere accident Dr. Cronin's clothes are found in a valise in a sewer in Lake View, showing that neither Martin Burke nor anybody else put the clothes in a box. They never were in a box. They never were sent across the sea to England. But see how difficult it is for us to prove a negative. Call the accident by which the clothes were found what you will—call it chance or Providence—call it what you will, it did for Martin Burke, the humble laborer, what his counsel and all the witnesses in the world

could not do. Yet, supposing that this accident had not happened, and you, believing the assertion so confidently made by the State's Attorney, had found Burke guilty on that supposition, what justification could you have made to the people of the State of Illinois, to your God, to your conscience?"

Mr. Forrest said one of the attorneys had asked what difference it made whether the alleged remarks of Beggs about a secret committee to report to him alone were made on May 3 or May 10.

"It makes all the difference in the world to the other defendants. If made May 3, and you believe there was a conspiracy, it is evidence against all of them. If made May 10, it is evidence against Beggs only. If you acquit Beggs, as you must, then you must dismiss from your consideration all the Camp 20 evidence.

"There are several unknown men in this case. We cannot ascertain who they are, but we can ascertain who they are not. They are the principal actors in this drama, and they are not members of Camp 20. Let us see who they are. They were Simonds and his associate; the three men on the wagon; the man who wrote the letter from Hammond, Ind.; the driver of the carriage; the two men seen in front of the place on the night of May 13; the man that was met there one night by Carlson, and two others whose positions I do not just remember. That makes twelve. There has been a suggestion of a hidden hand in this case. May not some of these unknown men have been the agents of that hidden hand instead of my clients?"

Mr. Forrest said there was something remarkable about every one of the witnesses for the State. They were the most observant people in the world.

"They had the most prodigious memories. They had eagle eyes for every circumstance. They were like the owl—they saw better by night than by day. They fixed dates and hours not by any great public event, but by something they themselves did, which was usually something more remarkable than the thing to which they testified."

As an instance of this, Mr. Forrest rapidly ran over the testimony of a number of the witnesses, pointing out, as he did so, the peculiarities he had just mentioned. Of Mrs. Conklin, he said that she saw more of the white horse through a window and

a mosquito screen than Dinan had learned in all the time he had owned the horse.

Then he touched on the interest witnesses have to pervert the truth, not willfully always, but unconsciously.

In the afternoon Mr. Forrest took up the question of the cause of death. It had been charged, he said, that this was a



COUGHLIN'S WIFE AND CHILD.

mere technicality, and to dwell on it went to show the weakness of the defense. He said :

“Gentlemen, I am engaged in a fight for these men’s lives, and if it were a mere technicality I should insist on it ; I should make no apology for it. But it is not a technicality, because, if acquitted, we could be tried again on an indictment charging death from causes unknown, We might be tried at least five

times by varying the statement of the cause of death. They might charge death by strangulation, and make a strong case on it, for remember the body was found with a towel tied around the neck, tied in a half-knot—not a double knot—a half-knot. So that this is not a technicality. The charge here is that Dr. Cronin died from violence caused by wounds about the head, face and body. The burden of proof is on the State to prove the charges made. They haven't proved that death was caused by the violence of those wounds. Many of you said in the beginning that you were prejudiced against us, but you swore by the ever-living God that you would try this case according to the law and the evidence. Yet you are asked to leap beyond the evidence to find a cause of death, when the witnesses themselves couldn't, all because Longenecker blundered."

Mr. Forrest then took up the evidence of Drs. Egbert, Perkins and Moore, reading extracts from their testimony, showing that they all agree that death was not produced from blood-letting.

"That theory was an afterthought after the Clan-na-Gael got control of the prosecution." Then Mr. Forrest showed that, though these doctors had given it as their opinion that death was due to concussion or compression, yet they say there was no evidence of concussion or compression.

"They say there was no evidence of chronic brain disease, therefore there was no brain disease; but there was no evidence of concussion or compression, therefore that was the cause of death. The doctor for the defense, Dr. Edmund Andrews, the leading surgeon of the Northwest, corroborates the doctors for the State when they say that there was nothing from which the cause of death could be determined. The cause of death is unknown. If the court instructs you that the allegation of the cause of death must be proved beyond a reasonable doubt, you can't find these men guilty. I am only asking you to keep the contract you made when, looking me in the eye, you promised to try this case on the law and the evidence. I ask no more, I expect no less.

"Mr. Longenecker said dates were important. I'll show you how important they are. Dr. Moore testified on October 26. His was the last evidence on the question of the cause of death. The testimony is that it could not be determined whether the

wounds found were ante-mortem or post-mortem. It wouldn't do to let this evidence go with such an element of doubt. They must prove that these wounds were inflicted before death. You remember it was October 26 that Dr. Moore testified; October 31 we received notice that Mrs. Hoertel would testify—Mrs. Hoertel, who saw the buggy, the man get out of it and go into the house; who heard the blows rained down on the unfortunate man's head; who heard him cry, 'O God! O Jesus!'; who heard his dying moan, and then thought no more about it until Capt. Schuettler finds her."

Mr. Forrest then gave a graphic account of how the wounds on the head and face might have been inflicted when the body was thrown into the catch-basin or when it was taken out. He passed to a discussion of the route taken by the wagon containing the trunk, and from that to the trunk itself. He called attention to the fact that the key was found by a trunk-maker, Officer Lorch; that the officer first testified that he found it May 25, several days after Schuettler and Wing and Hiott had been in the cottage. Afterward he took the stand and said it was May 23 he found the key; but on cross-examination he could tell what he was doing on every day for a week except the 25th. He more than hinted that the key had been placed there to be found, and that the paint on it might readily have got on it by its being dipped into the pot of paint found there. The fact that the paint extended to the same point on each side of it rather suggested to his mind that such was the case.

When he resumed his address on Tuesday morning Mr. Forrest returned to Mrs. Hoertel and discussed the laws of association, by which one fact is remembered from its association with another. From this he deduced the proposition that Mrs. Hoertel had nothing to guide her memory as to what night it was she saw the white horse driven up to the Carlson cottage. Although she said it was the Saturday night of the week she began the suit against Ertel, the saloon-keeper, that didn't help her any, because it wasn't the same day, nor was there any connec-

tion between the two events. On the other hand, when the witness Salzman testified that it was May 8th when Mrs. Hoertel's husband spoke about putting a new lock on the door he was corroborated by the law of association, because that was his birthday, the day his wife paid the rent, and because at the time the rent was being paid Salzman spoke about its being his birthday, and Hoertel contributed twenty-five cents for the purchase of beer to celebrate the occasion, and the further associated fact that during the good feeling provoked by the beer Hoertel said he was going to put a new lock on the door to keep out his wife.

As to the episode of the knives he asserted that Mr. Hynes' statement of the probability of two men having two knives exactly alike being one chance in a million was proof of the improbability of Mr. Conklin's identification. "Instead of looking up the different varieties of knives," he said, "the special counsel for the State should have looked up the different classes of liars there are in Chicago to see if he could properly classify T. T. Conklin."

Mr. Forrest declared that there was not a single circumstance testified to since the Coroner's inquest but had been fabricated. One of his most ingenious illustrations of what he meant by this was his treatment of the testimony of Mertes and Mrs. Hoertel. His theory was that after Mrs. Conklin failed to identify the white horse the police proceeded to manufacture testimony against O'Sullivan—poor Pat Sullivan was the term Mr. Forrest used. For this purpose Mertes was found and induced to tell his story about the buggy with the bay horse with the white face. The description of the man who got out of the buggy and went into the cottage, as Mertes gave it to Officer Crowe, was exactly the description given of Dr. Cronin by Mrs. Conklin. But later Mrs. Conklin identified the white horse. This upset the former calculations. They must get somebody else into the buggy with the bay horse. Accordingly Mrs. Hoertel is discovered. She sees the white horse and the Doctor getting out of the

buggy and going into the cottage. In order not to have the two seeing the same thing, the time must be very nicely calculated. That is the reason Mrs. Hoertel sees the clock in Ertel's saloon, and does what no one else ever did — remembers six months afterward just the exact hour she looked at the clock.

Taking up the blood-stains in the Carlson cottage, Mr. Forrest said:

"Witnesses have testified that there was blood — or what appeared to be blood — in the various rooms of the cottage, on the walls and steps, and Wardell said he saw it on the sidewalk leading from the gate. He says he saw it there next morning, but, of course, that's only his opinion. He had to think back to fix the date, and he may have fixed it correctly or he may have not. The witnesses were only allowed to say it appeared to be blood, because there are about twenty stains that look like blood-stains. It takes two processes to show that a stain is a blood-stain — a chemical process and a microscopical examination — for there are certain *algæ* which under the microscope look like corpuscles.

"I was interested in noticing how a man's predisposition will influence his testimony. Take Officer Lorch. He says there was blood up-stairs in the front room, in the back room, on the wall — everywhere. He was sure it was blood. He knew the stains under the paint were blood. When I asked him if he saw any cotton batting in the basement he said, 'Yes;' but when I asked him if there was blood on it he said he didn't know — he didn't see that. Yet the reporter Jones says he smeared the cotton batting with a liver and got lots of blood on it. Lorch didn't want to see the blood on the cotton batting; he did want to see it on the floor and wall."

He ridiculed the evidence of Mr. Tolman, whom he sarcastically called *Professor* Tolman. He ridiculed his examination of fifty-six corpuscles, when experts agreed that two hundred was the least number that should be examined. Tolman also only examined the large ones, because, as he said, he was "not looking for boys." Yet the rule was that all the round corpuscles, big and little, should be examined. Mr. Forrest ridiculed in the same manner Mr. Tolman's evidence about the lanugo or fuzz he

found in the one drop of blood. Mr. Forrest told the jury that in a cubic millimeter of blood, which is a quantity smaller than the size of a pinhead — there are 5,000,000 corpuscles. Mr. Tolman must have had a quantity equal to a cubic millimeter, and yet he examined only fifty-six of them. The specific gravity of the liquid used by Mr. Tolman in saturating the corpuscles was attacked by Mr. Forrest. Tolman, he said, used a liquid of too high a specific gravity. His liquid was of the specific gravity of blood, which includes the serum, the corpuscles and the fibrin, while he should have used the specific gravity of serum alone. Mr. Forrest claimed that among 5,000,000 corpuscles of ox blood there might be found fifty-six corpuscles of a size corresponding to human corpuscles. So that Mr. Tolman's testimony amounts to nothing. The prosecuting attorney admitted this when he said he "didn't care anything about the blood corpuscles," but he spent the money of this county to find out about something he now says he didn't care for.

Mr. Forrest next touched on the letter signed "F. W." He said:

"Old Mr. Carlson says that along about May 19 or 20 he went to Patrick O'Sullivan and told Patrick O'Sullivan that he had received a letter signed 'F. W.' He did not tell him the substance of the letter, but he gave it almost sentence by sentence. His testimony is in the record. If he had intended to commit the letter to memory for the purpose of getting the contents into the record he would have done exactly what he did do. The letter was not introduced in evidence, and I will tell you why. The letter was not offered because if it was offered the handwriting would have had to go in, and it would have been proved that the handwriting was not the handwriting of Martin Burke. Very clever. Don't introduce the letter—the handwriting goes with it. It is signed F. W. Get somebody to commit the letter to memory. Go to Pat O'Sullivan and read it to him, and then you can get in evidence the conversation. Very clever. We will keep out the letter. The letter was the best evidence, but they got in other evidence because it was the talk with Pat O'Sullivan."

Mertes' identification of Coughlin and Kunze was attacked. His story to Judge Wing when the latter inquired of him what he knew of the case was commented on, and the conclusion arrived at that Mertes was wholly untrustworthy and incidentally that the police, who assumed to tell witnesses not to talk about their evidence to any one, were guilty of attempting to suppress evidence. He read from Mertes' testimony, showing that on the stand Mertes at first swore he had never seen Kunze from the time he identified him at the police station until he saw him after taking the stand. But on his cross-examination he admitted that he had been called in by a detective early in the morning and saw Kunze. "Yet Mertes is the man who only lies at his own home," concluded Mr. Forrest, by way of clinching his argumentative impeachment of the witness. .

Then Mrs. Hoertel came in for another shot. Her story, he said, was that she remained out all night on the front steps, until, questioned closely, she remembered that if she were on the front steps all night a policeman might have seen her and might remember such an unusual circumstance; so then she says she went around to the back steps. She didn't go to any of the neighbors to seek shelter or protection. She didn't even go to the Salzmanns, on the floor below, who were her tenants, and, as the evidence shows, on good terms with her. Such improbabilities he did not think the jury would believe. He warned the jurors not to let their sympathies for a woman who was in trouble with a saloonkeeper get away with their judgment.

The watchmaker Kettner's testimony of having seen Dan Coughlin on Lincoln Avenue May 4, he said, had very little value because of the impossibility of being certain about the date. Kettner fixed the date as the day on which he received two watches to repair, but as that and seeing Dan Coughlin were wholly dissociated facts, that was no guide.

Kunze's connection with Dan Coughlin was then taken up. This, he explained from the evidence, grew out of the fact that

Kunze had a letter and a telegram from the president of the Whisky Trust, which Coughlin, at the instance of Tom Lynch, got away from him by getting him drunk. Then Kunze boasted that he had a third paper from the same source, and Tom Lynch wanted that. As Koch testified, Lynch and Coughlin were up at his house to find Kunze; but Kunze had moved to the South Side. It was while Coughlin was looking for Kunze, if at all, that the telephoning between O'Sullivan and Coughlin took place, and it was about Kunze, because Coughlin was trying to find him. Kunze said he was afraid he was going to be arrested in the Cronin case, because Koch told him the officers said so, and they had said so. Mr. Forrest described Kunze as a man with a very vivid imagination. That accounted for his talk about buying a horse from O'Sullivan, and nearly all the other conversations that had been proved against him. "Acquit Kunze you must," said Mr. Forrest, "and then the testimony of Mertes, of Nieman and of Kettner disappears from this case."

O'Sullivan's alibi was next taken up, and on the basis of his favorite maxim, "essential truth with circumstantial variety," Mr. Forrest showed it was perfectly proved. Dan Coughlin's alibi was discussed. "'Where was Dan Coughlin on the night of May 4?' says the special counsel for the State," exclaimed Mr. Forrest.

"Remember the burden of proof is on the State, and that the presumption of innocence is evidence for the defendants. Dan Coughlin told Chief Hubbard on the first interview that he didn't know where he was during the day, but he knew he was at the station at night. That is evidence, and it is uncontradicted. Mike Whalen says he saw him there at 7:30 o'clock, and again two hours later. Nobody but the special counsel for the State says he stood there in front of the station for two mortal hours; but Carberry, on the same night, says he stood in front of Dannahy's saloon for one and a half mortal hours. Redmond McDonald, whose beat is just on the other side of the street, says when he saw Coughlin he seemed to have just come from Clark Street."

On Wednesday, Mr. Forrest took up Mrs. Conklin's evidence. He attacked her identification of the white horse in the light of what she had said to Capt. Schaack and to the reporter Glenn. He attacked it in the light of Budenbender's testimony. But the main assault was derived from her own testimony. This he said was suspicious at every point ; it was unreasonable and contradictory. The peculiar swinging motion she described of the horse's front limbs from the knees down, which he termed a "balance-all" movement, was a physical impossibility, he claimed. Yet this was what she particularly depended on for her identification, though she never told a living soul except her husband about it till she testified before the grand jury. She said nothing about it to Capt. Schaack when he asked her for a description of the horse. Dinan never noticed it. Nobody ever noticed it but Mrs. Conklin. Her exclamation to Beck, when he drove the horse up in front of her house and told her he had an old friend down in front, Mr. Forrest characterized as strained and unnatural. "When people want to counterfeit the truth they think they must do something remarkable," he said.

Coughlin's connection with the hiring of the white horse was next discussed. Mr. Forrest combated the inference that the May 5th interview between Coughlin and Dinan showed Coughlin in a suspicious light. Coughlin said: "What's the matter, Dinan ; you look excited ?" The assumption in the question was correct. Dinan's answer, that it was time he got excited when policemen came around before he was up to inquire if his white horse was out Saturday night, showed he was excited. So did his talk to Coughlin later, after Mrs. Conklin had failed to identify the horse. When Coughlin asked him, "Are you satisfied now?" he replied: "Yes, I am satisfied." It showed he wasn't satisfied on May 6th. It shows he was excited. When Dinan spoke of the horse being out Saturday night there flashed across Coughlin's mind the thought of his friend, and he asked, "What horse did my friend have?" But why ask the question, said Mr. Forrest, if he knew all about it ? Then, when

Coughlin found it was the white horse, he said: "Keep it quiet; Cronin and I have not been friends for a year and a half." "See," said Mr. Forrest, "he doesn't say, 'Cronin and I have been enemies for four years,' but 'we have not been friends for a year and a half.' It took a policeman—Chief Hubbard—to remember that he said: 'Cronin and I have been enemies for four years.' They wanted somebody to get it back just that far in order to connect it with a plot that wasn't introduced in evidence."

Proceeding to the motive of the crime, Mr. Forrest said Coughlin had none. The evidence of motive rested on the testimony of Henry Owen O'Connor, Riley and Quinn, Sampson and Garrity. O'Connor swore that Coughlin said there was a rumor that Cronin was a spy. The evidence made it probable that there was such a rumor, and the repetition of a rumor was not evidence of a motive to kill. Riley swore that Coughlin said that if a certain prominent Catholic didn't keep his mouth shut he would get the worst of it. Quinn said he used the words "North Side Catholic." These, Mr. Forrest thought, were clearly an interpolation. But suppose they were not. There was nothing to show Dr. Cronin was meant, or, if he was, that there was a desire to murder him. Maj. Sampson and John Garrity came in for such a scoring as would have raised blisters on the hide of a rhinoceros. Sampson's depravity was characterized as unutterable, and Garrity, it was declared, by his own confession entered into a conspiracy to commit murder. Garrity's testimony, Mr. Forrest declared, was made necessary to piece out Sampson's, because the latter at the Coroner's inquest had said Coughlin didn't ask him to kill Cronin, but only to disfigure him, and that wasn't strong enough to show a motive for murder.

Discussing the time of the departure of Dr. Cronin, Mr. Forrest showed that it took the buggy thirty-five minutes to get to the cottage and an hour and a half to get back. The story of the boulevard mud was got up to keep the buggy off South Halsted Street. They had to guess it went through Lincoln Park to

get the mud, but if any guessing was to be done it might be guessed that the mud might have come from Washington Boulevard.

Following a somewhat lengthy discussion of the more minute case, Mr. Forrest reserved to the last his most important work. He said:

"Now, about that alibi for Burke. Where was Burke on the night of May 4th? If he was not in the cottage, they say, where was he? The burden of proof is on them to show where he was, and we showed that he was at Matt Dannahy's saloon on that night, and sixteen or eighteen witnesses gave evidence as to certain corroborative facts."

At the request of Juror Culver Mr. Forrest then read from the evidence the identification of Burke by the elder Mrs. Carlson. After a short dispute with Judge Longenecker, he continued:

"They say Martin Burke was fleeing. Why, he had been up in Winnipeg eleven days when he was arrested. But before alluding to this point I want to say something about this Ducey alibi."

Mr. Forrest went into the particulars of this alibi at some length, weighing the evidence of one witness and balancing it against that of others.

Coming back to Martin Burke and the contention of the State that he was fleeing from justice when he was arrested there, the lawyer repeated his argument that Burke had been waiting in Winnipeg at that time.

"If he was fleeing," urged Mr. Forrest, "he would have got out of the way just as quickly as he could. Now you have got to assume flight in order to convict him on that ground. You know he left this town before he was suspected, before the discovery of the cottage, before the remains were discovered. Now, gentlemen, there is another instruction given to the jury, in addition to that to which I have already directed your attention, which is often misleading. It is what is called the concurrence of action. That is, gentlemen, if you see several men doing a number of things together, one performing one part, another performing another, you may reasonably infer that they are acting together in

a conspiracy. Well, that may be all right, but if you insist on it, that takes in Mortensen. If you see them acting together, 'apparently' concurring in the same plan, that takes in Mortensen. That law is all right if they are acting together with the full knowledge of the common design and with the intention of aiding in that design. Now, then, you must first find there was a conspiracy, and then, even if you do find there was a conspiracy, you must be careful not to include Martin Burke in it unless you believe from the evidence that he was a member of it.

"Suppose you assume there was a conspiracy to kill Dr. Cronin; we will take that point for granted for the sake of illustration; you must then find out whether Burke was a member of that conspiracy, and in order to decide that point you must go only upon the evidence adduced against Burke alone. Evidence against the others cannot count as against Burke until he is first found by the evidence against him alone to be a member of the conspiracy. If you find Burke, from the evidence against him alone, to be a member of the conspiracy, then and not till then the evidence against everybody else becomes evidence against him."

Mr. Forrest applied the same argument to the three men, Coughlin, O'Sullivan and Beggs, in every conceivable way. Next he had a word or two to say for Patrick O'Sullivan, although, as he said, the iceman was not his client.

"There is one thing that I want to call your attention to here. You will remember that Mrs. Farrar says that Patrick O'Sullivan said to her that Cronin had been charged with giving away the secrets of the organization to which he belonged, and if he did so it served him right. Now, there is not one of those Irishmen—I am not merely referring to one wing or another of this organization, but I say not one of these so-called patriots—who would not say the same thing if they believed Cronin to be a spy. I do not say that every Irishman would take that view of the case, but I do say that the great bulk of the Irish people in this country would believe in the justice of that disposition of the Doctor if they believed him to be a spy. Let us not deceive ourselves. Suppose Le Caron should come back to this town, and Le Caron should be killed for being a British spy, don't you know you would hear the expression among thousands and ten of thousands of them: 'Well, he was a spy,' they would say, 'Serves him right,'

If that would be true of the Irish people, or thousands of them, then the remark is no evidence against Patrick O'Sullivan. 'They say he was a British spy,' he says. He might well have believed he was a spy. It was talked about at the time, and statements were in the papers charging him with being a British spy."

Mr. Forrest asked if a Mason might not have said, "Served him right," in the case of Morgan, believing him to have betrayed the secrets of the order and yet not have been guilty of his murder. He argued that no motive was shown for the murder of Dr. Cronin, inasmuch as there were two men in possession of that minority report and there was no attempt to get at his papers. To murder him, therefore, would be the surest way to make it public instead of covering up the facts, as contended by the prosecution.

"They say Cronin was simply charged with being a spy and these men were dupes. In God's name, why do they believe they were dupes? Do they mean to say they were led to believe the charge or that they themselves got up the charge and tried him on it? Why should Martin Burke kill Cronin? He had never injured him! Why should Coughlin kill him? He had never injured him, or Kunze or this man Beggs, he had never injured any of them. What in the world should they do it for? That minority report—how would it help Beggs to kill him on account of that? How would it help O'Sullivan or Martin Burke or Kunze or any person charged? Don't you see they had nothing to gain by such an act? Don't you see that the motive was not present; that there was no intelligence about it, because there was no object to it?

"Now, gentlemen of the jury, I want you to find Daniel Coughlin and Martin Burke not guilty. Why? Because there is not established in this case a conspiracy in which it is alleged these men participated. In other words, to save my strength and not to exhaust your patience, there is nothing proved in this case beyond reasonable doubt that will connect them or either of them with the killing of Dr. Cronin. It is not necessary for me to repeat that. Now, then, I ask you to acquit them, and when I ask you to acquit them I ask you to simply do your duty—nothing more. Nothing has been left undone against them that could have been done. The State has had several able lawyers, and they have insulted every witness called for the defense. Every

man called for the defense has been called a murderer or a sympathizer with murder. Everything has been done to insult and break down witnesses for the defense. Everything that intimidation in the court-room and out of it could do has been done in behalf of the State; everything that insinuation could do has been done in behalf of the State; everything that insinuation could do has been done on the part of the State. The court has given them the widest range of cross-examination, so there can't be any fault found in that respect. All the evidence which they offered was admitted by the court. They have the State's Attorney's forces, and the entire police force of Chicago. They have talked about the police force betraying them. I saw no evidence of it. Everything that one wing of the Clan-na-Gael could do has been done. In addition to the State's Attorney they have had other distinguished orators—two of the greatest criminal lawyers of modern times, Luther Laffin Mills and George Ingham, whose business, like mine, is the pleading of criminal law; Mr. Hynes, a great lawyer, a great cross-examiner, one of the most brilliant orators of the Chicago bar, a man whom one of the largest corporations in Chicago relies upon to wring verdicts from juries in most desperate cases. He, too, has done all that he could on behalf of the State. Everything that could be done has been done to prove this charge, so that, gentlemen of the jury, you can say to your neighbors, you can say to your social world, you can say to your own consciences, that no fault is to be found with the State; everything has been done that could be done, but there was a reasonable doubt as to the guilt of those men, and I found them not guilty for that reason. Remember, the State's Attorney has solemnly told you that the world has confidence in you, that he has confidence in you, that the Judge has confidence in you, and that whatever verdict you render will satisfy him, will satisfy the community, will satisfy the world, because the community has implicit and unlimited confidence in your honor and intelligence. This, gentlemen, I say on behalf of Martin Burke and Daniel Coughlin in confiding their cases to your hands. No peroration have I, but simply one word will I give. The word I give is 'duty'—duty to Illinois, duty to your God, duty to yourselves. 'To thine own self be true, and it must follow, as the day the night, thou canst not then be false to any man.'"

CHAPTER VII.

Mr. Mills' Illness—Disappointment in the Court—Too Sick to Speak—State's Attorney Longenecker Takes his Place—A Forcible Summing Up—Judge McConnell's Instructions—The Law of Murder and the Law of Conspiracy—The Duty of the Jurors—A Magnificent Presentation of the Law—The Jury Retires—How the Prisoners Acted—A Criminal Museum—Suspense through the City—The Verdict.

THE event of the trial to which everybody looked forward with the utmost eagerness was the concluding speech which Luther Laffin Mills was to make. No orator at the American bar has a higher or better earned repute for eloquence ; and here was the greatest opportunity that could occur to any man's career.

Night and day throughout the trial Mr. Mills had worked with a persistent energy which was too much for nature to stand. For days toward the close of the trial he was evidently too sick to take his place at the counsel's table ; but his iron will dragged him there, and held him there, when he should have been in his room under the doctor's care. At last the strain was greater than he could stand, and he sank under it. On Wednesday it was definitely stated that his physicians would not allow him to appear. Disappointment reaching almost to dismay was the sentiment which filled his associates—for it was felt, and felt rightly, that there was but one man at the bar who could hope to undo the wonderful effect of Forrest's speech, and that man was dangerously ill at home.

No man ever received a higher tribute to his power than the manner in which the news of Mills' illness was received by the partisans of either side. While here there was uneasiness, there there was relief. The most dangerous enemy, the most resourceful



LUTHER LAFLIN MILLS, of Counsel for the Prosecution.

ally had been placed *hors de combat* at the very crisis of the battle.

The audience that witnessed the closing scenes of the trial was one that crowded the little court-room almost to suffocation. Every available space was occupied, and yet not a twentieth part of the people who wanted to get in, succeeded. Several days before Chief Deputy Sheriff Gleason had made a calculation, based on the number of passes issued and those that had been used, from which he calculated that more than five thousand people had passes they intended to use in getting an opportunity to hear Mr. Mills speak. The crowds that swarmed around the Criminal Court building indicated that Mr. Gleason had not made too high an estimate. It is true Mr. Mills didn't speak. But people who had come two hours in advance of the opening of court were not disposed to leave without getting a glimpse of the prisoners and the inside of the court-room.

Judge Longenecker was selected to make the closing argument in Mr. Mills' place, which he did with much clearness and power.

His speech went over the whole case, examining again and again in detail the case against each of the prisoners, showing how the defense had failed to break down any important part of the wall of evidence shutting in the prisoners.

Taking up Mr. Forrest's argument about the wagon supposed to have contained the trunk being first heard rumbling across the railroad tracks west of Ashland Avenue, Mr. Longenecker said:

"He thinks sound is better than sight, hence I think he'll appreciate my speech. The evidence is that the wagon was first seen going east on Fullerton Avenue, east of Ashland Avenue. The officers say that shortly before they heard a wagon rumbling across the railroad tracks west of Ashland Avenue. That doesn't prove they heard the same wagon they saw. But suppose it was. It isn't likely that the conspirators would take the direct route, one by which they could be readily traced. I don't know what route they may have taken to avoid detection.

"It isn't necessary in this case that every circumstance testified to shall be proved beyond a reasonable doubt. It is only necessary that the material circumstances shall be so proved. Now, let us see what are the material circumstances. Go into Camp 20 February 8. The proceedings are known to you; they are undisputed. That is Beggs' link. Then there is the renting of the flat at 117 Clark Street, and the purchase of the furniture at Revell's. Then the renting of the cottage; that is Burke's link. O'Sullivan makes the contract; that is his link. Coughlin hires the horse; that is his link. Then the body in the Evanston Avenue catch-basin, the bloody trunk on the roadside, and Dr. Cronin's clothes, cut from the body and found in the sewer, is the last link. Every one of these is undisputed. Then what a cloud of circumstances connects and binds these links still more firmly to each other! The conclusion is irresistible. These five defendants are guilty of the murder of Dr. Cronin."

As soon as Mr. Longenecker had concluded his address Judge McConnell began the reading of his instructions to the jury. On account of their length he did not require the jury to remain standing while they were read, nor did he stand himself. During the reading the most profound silence prevailed in the room. Jurors, prisoners, lawyers and audience gave the closest attention to the reading.

The instructions, mainly rules for the consideration of evidence, were as follows:

"The jury are judges of the law as well as of the facts in this case, and if they can say upon their oaths that they know the law better than the court itself, they have the right to do so; but before assuming so solemn a responsibility they should be sure that they are not acting from caprice or prejudice, that they are not controlled by their will or wishes, but from a deep and confident conviction that the court is wrong and they are right. Before saying this upon their oaths it is their duty to reflect whether from their study and experience they are better qualified to judge of the law than the court. If under all circumstances they are prepared to say that the court is wrong in its exposition of the law the statute has given them that right.

"In the language of the statute, murder is the unlawful killing of a human being, in the peace of the people, with malice

aforethought, either expressed or implied. The unlawful killing may be perpetrated by poisoning, striking, starving, drowning, stabbing, shooting, or any other of the various forms or means by which human nature may be overcome and death thereby occasioned. Express malice is that deliberate intention unlawfully to take away the life of a fellow-creature which is manifested by external circumstances capable of proof. Malice shall be implied when no considerable provocation appears, or when all the circumstances of the killing show an abandoned and malignant heart.

“Whoever is guilty of murder shall suffer the punishment of death or imprisonment in the penitentiary for his natural life, or for a term not less than fourteen years. If the accused, or any of them, are found guilty by the jury, the jury shall fix the punishment by their verdict.

“An accessory is he who stands by and aids, abets or assists, or who, not being present, aiding, abetting, or assisting hath advised, encouraged, aided or abetted the perpetration of the crime. He who thus aids, abets, assists, advises or encourages shall be considered as principal, and punished accordingly. Every such accessory, when a crime is committed within or without this State by his aid or procurement in this State, may be indicted and convicted at the same time as the principal, or before and after his conviction, and whether the principal is convicted or amenable to justice or not, and punished as principal.

“The manner or cause of death, which is alleged in the indictment, is an essential element of the charge against the defendants, and the law requires the prosecution to establish that averment to your satisfaction beyond reasonable doubt, as it is laid in the indictment, before a conviction of the defendants, or either of them, can lawfully be had. But whether or not the manner or cause of death was as laid in the indictment may be established by circumstantial evidence, just as any other fact essential to conviction may be.

“The following rules should guide you in your use and application of the circumstances introduced in evidence. It is the duty of the jury to enter upon the consideration of each circumstance proven having in their minds the presumption that the defendants, and each of them, are innocent, and in considering such fact or circumstance they should apply it to the presumption of innocence, and if such fact or circumstance, when

considered in connection with all the evidence in the case, can be explained consistently with the innocence of the accused, it is their duty so to explain it. No circumstance introduced in evidence on this trial can be used by you as a basis for any inference of guilt against the defendants, or either of them, unless such circumstance is first proven to your entire satisfaction, and every circumstance in the case which is not proven to your entire satisfaction should be wholly dismissed from consideration and must not be permitted to influence you to any extent against the defendants, or either of them. Any circumstance which is essential to a conclusion of guilt against the defendants, or either of them, should be established beyond all reasonable doubt and to a moral certainty before it can be used by the jury against the defendants.

"In order to justify the inference of legal guilt from circumstantial evidence the existence of the inculpatory facts must be absolutely incompatible with the innocence of the accused and incapable of explanation upon any other reasonable hypothesis than that of their guilt. If you can reconcile the facts in this case upon any reasonable theory consistent with the innocence of the defendant John Kunze, it is your duty so to do and to find said defendant John Kunze not guilty. If you can reconcile the facts in this case upon any reasonable theory consistent with the innocence of the defendant Patrick O'Sullivan, it is your duty so to do, and to find said defendant Patrick O'Sullivan not guilty. If you can reconcile the facts in this case upon any reasonable theory consistent with the innocence of the defendant Martin Burke, it is your duty so to do, and to find said defendant Martin Burke not guilty. If you can reconcile the facts in this case upon any reasonable theory consistent with the innocence of the defendant Daniel Coughlin, it is your duty so to do, and to find said defendant Daniel Coughlin not guilty. It is not sufficient for the jury to find that a resolution was adopted for the appointment of a secret committee in Camp 20 on February 8, 1868, but it must further appear to your satisfaction beyond all reasonable doubt that such committee was in fact appointed by the defendant Beggs, and that such appointment was in pursuance or in furtherance of a conspiracy to commit the crime set out in the indictment; and you must further be satisfied beyond all reasonable doubt that the defendant Beggs had knowledge of the purpose for which said committee was asked, or, if appointed,

assented to its purpose subsequently, or you will not be justified in finding a participation in such conspiracy on the part of the defendant Beggs by reason of the facts just recited. That the defendant Beggs was a member of the United Brotherhood and was the presiding officer of Camp 20, are not circumstances standing alone tending to establish his guilt of the crime charged in the indictment in this case. And as there is no evidence in this case that any overt act was committed by the defendant Beggs in the commission of the alleged murder charged in the indictment in this case, therefore, unless it is established that a conspiracy was entered into to commit the murder charged in the said indictment, to which conspiracy the said Beggs was a party, he should be acquitted."

Following here came the usual instructions as to the credibility of witnesses, and the court then continued :

"In no view which can be taken of this case will you be warranted in using against one defendant any evidence of the act, conduct or conversation of any other defendant occurring subsequent to the day of the alleged homicide of Dr. Cronin.

"Although you may believe that the defendant Beggs, at a meeting of Camp 20 on May 10, remarked in substance that that committee was to report to him, and even if you should further believe that such remark possessed some criminal import, yet, in no view that can be taken of this case, will you be justified in using such remark as evidence against any other defendant.

"Although you may fully and confidently believe that one J. B. Simonds, the person who drove Dr. Cronin away from his home on the night of May 4, and other unknown persons, were members of a conspiracy to murder Dr. Cronin as charged in the indictment, and, indeed, that they did murder him, yet you can not and ought not use any evidence respecting the conduct and conversations of such persons, or any of them, against any defendant unless you are first convinced beyond every reasonable doubt, from the evidence, that such defendant was also a member of such conspiracy to murder Dr. Cronin.

"Although you may believe that a conspiracy existed to murder Dr. Cronin, and although you may further believe that he was murdered in pursuance of such conspiracy, yet the fact that a defendant did some act, which contributed in some measure in producing the Doctor's death will not justify you in conclud-

ing that the defendant doing such act was a member of such conspiracy, unless you further believe, from the evidence, beyond a reasonable doubt, that said defendant, at the time of doing such act, actually knew and intended that the act done by him should be one of a series of acts to be done by others in producing the Doctor's death.

"A conspiracy may be established by circumstantial evidence the same as any other fact, and such evidence is legal and competent for that purpose; so whether an act which was committed was done by a member of a conspiracy may be established by circumstantial evidence, whether the identity of the individual who committed the act be established or not; and also whether the act done was in pursuance and furtherance of a common design may be ascertained from the same class of evidence; and if the jury believe from the evidence in this case, beyond a reasonable doubt, that the defendants, or any of them, conspired and agreed together, or with others, to kill and murder Patrick Henry Cronin, and that in pursuance and furtherance of that common design, and by a member or members of such conspiracy, the said Patrick Henry Cronin was killed and murdered in manner and form as charged in the indictment in this case, then such of these defendants, if any, whom the jury believe from the evidence beyond a reasonable doubt were parties to such conspiracy are guilty of the murder of said Cronin, whether the identity of the individual doing the killing be established or not, or whether such defendants were present at the time of killing or not.

"Under the charge of conspiracy against any of the defendants to commit murder, it must be proven beyond every reasonable doubt that such defendant combined with one or more persons in the common purpose and with the common design to murder the deceased before you will be justified in believing that the conspiracy existed as charged against him. Although you may believe that the defendant Burke rented the Carlson cottage and removed the furniture and other articles mentioned in evidence from 117 South Clark Street to the said cottage, and although you may further believe that Dr. Cronin was murdered in the Carlson cottage, you are advised that these acts of the defendant Burke in themselves are insufficient to justify you in concluding that he was a party to the alleged conspiracy, unless it further appears, beyond all reasonable doubt, that such acts of the defendant Burke were deliberately and willfully intended by

him to assist in the perpetration of the crime of murder. Although you may believe that Dinan's horse and buggy were used on May 4 to take the Doctor to his death, you are advised that the act of the defendant Coughlin in engaging such a horse and buggy is insufficient to justify you in concluding that he was a party to the alleged conspiracy, unless it further appears beyond all reasonable doubt that such act of the defendant Coughlin was deliberately and willfully intended by him to assist in the perpetration of the crime of murder.

"Although you may believe that the contract between O'Sullivan and Dr. Cronin was used on May 4 to decoy the Doctor to his death, you are advised that the act of the defendant O'Sullivan in making such contract of itself is insufficient to justify you in concluding that he was a party to the alleged conspiracy, unless it further appears, beyond all reasonable doubt, that such act of the defendant O'Sullivan was deliberately and willfully intended by him to assist in the perpetration of the crime of murder, or that he knowingly and corruptly consented to the use of said contract in accomplishing the alleged murder of the deceased.

"In considering the circumstance of the contract made between Patrick O'Sullivan and Dr. Cronin, you are not permitted by the law to take into account or draw any inference from the fact that the witnesses McGarry, Capt. Schaack, Mrs. T. T. Conklin and others testified that they expressed the opinion to Patrick O'Sullivan in conversing with him that the said contract was unbusinesslike, unusual, strange and suspicious; such opinions furnish you no warrant for concluding that the object and purpose of Patrick O'Sullivan in making the contract was illegal or criminal.

"If the jury believe from the evidence beyond a reasonable doubt, acting in the light of the entire charge of the court, that the defendants now on trial, or some of them, conspired together, or together and with others who were to the grand jury unknown, to kill and murder Patrick Henry Cronin, and that one or more of the conspirators, in pursuance and furtherance of the conspiracy, did kill and murder the said Cronin in manner and form as charged in the indictment, then any and all of the defendants, if any, who so conspired, are in law guilty of such murder, although they may not have actually killed the said Cronin, or been present at the time or place of the killing.

"The burden of proving everything essential to the establishment of the charge against the defendants, and each of them,

lies on the prosecution ; and if it were conceded that somebody murdered Dr. Cronin, yet the defendants are not required nor expected to prove who committed the murder.

“The prosecution is required to prove beyond a reasonable doubt that the defendants, and not somebody else, committed the crime charged in the indictment. It is insufficient to justify you in convicting the defendants that the evidence disclosed that Patrick H. Cronin was murdered, and that the defendants, or somebody else, murdered him, or that the probabilities are that the defendants and not somebody else murdered him.

“You ought not, and cannot legally convict the defendants, or either of them, upon the mere doctrine of chance and probability. Although you may believe that it is highly probable and very likely that the defendants are guilty, and even that it is far more likely and probable that they are guilty than that they are innocent, yet no amount of suspicion will warrant you in finding a verdict of ‘guilty’ against the defendants, or any of them.

“To warrant a conviction upon a charge of murder, the evidence must be of such kind and quantity as to convince the jury of the truth of the charge beyond every reasonable doubt, and to a moral certainty. If, therefore, when you, without passion, prejudice or bias, have fairly and honestly considered the entire evidence on both sides of the case, you do not feel morally certain, to the exclusion of every reasonable doubt, of the guilt of the defendants, then it is your duty to acquit them.

“It is the duty of the jury to examine the evidence on both sides of the case without any feeling of resentment or revenge, and if, after such examination, you entertain any reasonable doubt as to whether the deceased was murdered by the defendants as charged in the indictment, or by somebody else, you should acquit the defendants ; in other words, if the evidence, after an impartial consideration, leave your minds in a state of reasonable doubt as to whether any particular defendant is guilty as charged in the indictment, then such defendant should be acquitted.

“If the evidence in this case fails to show any motive on the part of the defendant to commit the crime charged against him, then this is a circumstance in favor of his innocence which the jury ought to consider in connection with all the other evidence in the case in arriving at a verdict.

“An individual juror ought not to compromise any well-founded doubt of guilt that he may entertain respecting the de-

defendants or any of them with his fellow-jurors. The jury can agree only to convict or acquit, and you can only properly convict when the guilt of the defendants is so fully and clearly proven to the mind of each individual juror as to exclude every reasonable doubt of guilt.

"A reasonable doubt is that state of the mind which, after the entire comparison and consideration of all the evidence in the case, leaves the jurors in that condition that they cannot say they have an abiding conviction, to a moral certainty, of the truth of the charge. It is not sufficient to establish a probability, though a strong one, that the fact is more likely to be true than the contrary, but the evidence must establish the truth of the fact to a reasonable and moral certainty; a certainty that convinces and directs the understanding and satisfies the reason and judgment of the juror, who is bound to act upon it conscientiously.

"In considering the case, however, the jury are not to go beyond the evidence to hunt up doubts, nor must they entertain such doubts as are merely chimerical or conjectured. A doubt to justify an acquittal must be reasonable, and it must arise from candid and impartial investigation of all the evidence in the case, and unless it is such that, were the same kind of doubt interposed in the graver transactions of life, it would cause a reasonable and prudent man to hesitate and pause, it is insufficient to authorize a verdict of not guilty. If, after considering all the evidence, you can say you have an abiding conviction of the truth of the charge, you are satisfied beyond a reasonable doubt.

"The doubt which the juror is allowed to retain in his own mind, and under the influence of which he should frame a verdict of not guilty, must always be a reasonable one. A doubt produced by undue sensibility in the mind of any juror in view of the consequence of his verdict is not a reasonable doubt, and a juror is not allowed to create sources or materials of doubt by resorting to trivial and fanciful suppositions, and remote conjectures as to possible states of facts, differing from that established by the evidence. You are not at liberty to disbelieve as jurors if from the evidence you believe as men; your oath imposes on you no obligation to doubt where no doubt would exist if no oath had been administered.

"In this case the jury may, as in their judgment the evidence warrants, find any or all of the defendants guilty, or any or

all of them not guilty; and if in their judgment the evidence warrants, they may, in case they find the defendants, or any of them, guilty, fix the same penalty for all the defendants found guilty, or different penalties for the different defendants found guilty.

"And in case they find the defendants, or any of them, guilty of murder, they should fix the penalty either at death or at imprisonment for life in the penitentiary, or at imprisonment in the penitentiary for a term of any number of years not less than fourteen."

At 4:15 o'clock of the afternoon of Friday, December 13th, the jury retired to consider their verdict. Judge Longenecker had concluded his closing address to the jury about 3:30, and the Judge's charge to the jury had occupied a little more than half an hour in reading. The charge to the jury concluded, the five bailiffs who were to have charge of the jury were called forward and sworn. These bailiffs were Messrs. Santa, Olsen, Rooney, Douglas and Baumgarten. The oath was administered by Clerk Smith. It was the time-honored, moss-grown oath that requires the bailiffs to take the jury to some suitable room provided by the Sheriff, and to keep them there without meat or drink, except water, until they had decided upon their verdict. This prohibition of meat and drink, however, sounds more formidable than it really is, as the court has power to instruct the bailiffs at any time to furnish them with meals, and it is always done.

As soon as the jury had retired, the lawyers on both sides consulted as to which of the articles introduced in evidence should be allowed to go to the jury-room. Mr. Forrest and Mr. Donahoe objected to everything to which they had objected when offered in evidence. This included nearly everything. Mr. Ingham stated the law to be, and the court held with him, that everything except the record of the oral testimony should be taken by the jury. Finally, the court sent the copy of the instructions he had read, the indictment, the minute-book of Camp 20, sealed that only the records of the meeting of February 8 could be seen, the

Spelman letters, O'Sullivan's business card, left by the driver of the white horse in Dr. Cronin's office, the receipt for \$5 found on Burke at Winnipeg, the bloody trunk, the lock and key, the two locks of hair examined by the experts, the maps of Lake View, the photographs of the Carlson cottage, and the two knives found by Barney Flynn in Dan Coughlin's possession when arrested. Mr. Longenecker wanted the clothes found in the sewer to be sent in also, but, as Mr. Forrest made an extra strenuous objection, this was not insisted on. The court said, however, that if the jury asked for them they should be sent in.

The demeanor of the prisoners during the closing speech of Mr. Longenecker and the court's charge to the jury was not visibly different from what it had been throughout the trial. But after the jury had retired, and they realized how momentous a meaning this fact had to them, they became visibly nervous. The last word that could be spoken in their behalf by court or counsel had been said, and the suspense of waiting for a verdict of life or death had begun, with not a thing to be said or done to relieve it.

From four o'clock on Friday evening until two on Monday afternoon the jury worked upon the verdict. The most disquieting rumors in the meantime filled the town. How they had their origin none knew, but on Sunday morning charges appeared in all the papers that Juror Culver, who was said to be the one who was holding out for acquittal, had been tampered with by the friends of the prisoners. Fortunately for this gentleman his character was so well known, and he had in the past given such magnificent proofs of his honesty, that his friends did not need twenty-four hours to convince the press that a serious mistake had been made, and on the next morning he was set thoroughly right before the public. It was then seen that Culver's character is a peculiar one. He is an almost fierce devotee. During the sessions of the jury he again and again organized prayer-meetings, and on every Sunday he conducted services. No more conscientious

man, heartily and wholly animated by a single desire to do his duty, ever sat upon a jury.

On Monday afternoon, about two o'clock, Foreman Clarke sent out word to Judge McConnell that the jury was ready to report. The attorneys were rapidly notified, the prisoners were brought in, Judge McConnell took his seat upon the bench, and the court-room was crowded to its utmost capacity.

At 2:28 the jury entered, headed by Bailiff Santa, having been out seventy hours and thirteen minutes. The jurors were exhausted from excitement and the long confinement, but they looked like men who appreciated the gravity of the duty they were performing. Their faces bore expressions of decision and satisfaction with having at last reached an agreement.

"Gentlemen of the jury," said Judge McConnell, "I understand you have reached a conclusion."

Juror Clarke arose and bowed.

"You may hand it to the clerk," said the court, and, as the juror fumbled in his inside coat pocket for the paper, the Judge added: "You can hand it me, and I will give it to the clerk." The space between the juror and the clerk was crowded, and the Judge passed the paper to the clerk. A dead silence followed. The clerk read:

"We, the jury, find the defendant John F. Beggs not guilty."

A moment's pause, and the clerk continued:

"We, the jury, find the defendant John Kunze guilty of manslaughter, and fix his punishment at imprisonment in the penitentiary for a term of three years."

Somebody dropped a cane, and it fell with a crash. As soon as Clerk Lee could find his place after the disturbing incident of the cane, he continued:

"We, the jury, find the defendants Daniel Coughlin, Patrick O'Sullivan and Martin Burke guilty of murder in the manner and form charged in the indictment, and fix the penalty at

imprisonment in the penitentiary for the term of their natural lives."

As the first sentence of the verdict was read, finding Beggs "not guilty," a sigh of relief escaped him, and his face, which had been perfectly bloodless, flushed as he realized what it meant to him. Next came Kunze's fate. The little German seemed unable to realize the import of the verdict for some minutes, and in the breathless anxiety to learn the fate of the remaining three Kunze's sentence held the attention of the listeners but an instant.

Dan Coughlin's face disclosed the supreme effort he was making to bear with composure the worst. The resources of his will power were drawn on to their utmost. His cheeks were blanched, the muscles of his face tensely drawn, and his eyeballs, drawn up till the pupils were almost hid, testified to his apprehensions as they did to his determination to bear it unmoved. Burke and O'Sullivan, with less expressive faces, betrayed the same emotions. It was when they knew their fate that their expression varied. For an instant or two they seemed unable to grasp the full force of the verdict. Then a feeling of relief, as strong as the feeling of apprehension it followed, shone in their countenances.

Coughlin's whole expression changed. Yet even in this change there lurked an expression of watchfulness, a guardedness, a carefulness not to show too clearly the nature of his feelings.

In Burke there was no such reserve. He almost laughed outright. The sudden change in his feelings almost overbalanced his control of his nerves, and for a second he was in a condition akin to hysteria. He quickly recovered himself, however, but did not lose the pleased expression of his face while he remained in the court-room.

On O'Sullivan the effect was different still. O'Sullivan, though he feared the extreme penalty, seemed to have hoped for acquittal. And when the verdict was read, though the look of apprehension, of intense suspense, passed from his face, it was succeeded by a look of disappointment. His eyes fell, and he

leaned forward with head bent down, and a look of bitterness in his face. He seemed to feel more keenly than any of the others the disgrace of conviction, considered aside from the punishment to be endured. It is doubtful if he would have been more or differently affected if the verdict had imposed on him the extreme penalty.

Poor Kunze, more variable in temperament than any of the others, with less stability of character and fewer resources for self-control, broke down in sobs and tears as soon as he realized his position. "I get tree years and I didn't do notting," he sobbed, while a big bailiff standing just behind him patted him on the cheek and tried to soothe him. But the floodgates of his feelings were wide open and he refused to be comforted. "I never was in Lake View that night," he exclaimed more vehemently. "It was a put-up job by Longenecker and Schuettler, and the man who says I was has got money now to buy a farm in Wisconsin."

"Never mind, my boy," said Mr. Forrest, who was in the act of making a motion for a new trial, "the fight has just commenced."

After the verdict was read Mr. Forrest asked that the jury be polled, and as each jurymen's name was called he arose, and answered the question of Clerk Lee: "Was this and is this your verdict?" Each juror bowed or answered affirmatively.

Judge McConnell then thanked the jurors for their services, and complimented them on the patience and conscientiousness with which they had done their duty.

"The prisoner Beggs may be discharged," said the court, and he turned to the jury to say it could go, when Mr. Forrest interposed to make a motion for a new trial. A moment later, however, Judge McConnell told the jury it was discharged.

As the jurors filed out of their box Mr. Beggs and his attorney, Mr. Foster, seized the hand of each and expressed their gratitude for the jury's action. Tears of joy stood in Mr. Beggs' eyes.

Mr. Forrest asked the court to fix the time for hearing a motion for a new trial. Inasmuch as no death sentences had been pronounced he thought there need be no hurry about it. It would take him two weeks to go over the evidence and two weeks more to prepare the motion, and he asked till the middle of January to present the motion.

It was finally agreed that the motion should be presented January 13, and the court adjourned, with the great Cronin case ended.



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